

HALIFAX

Public Hearing

Case 23626

Appeal of Variance Approval:
73 Eagle Point Drive, Windsor Junction

North West Community Council
March 27, 2023

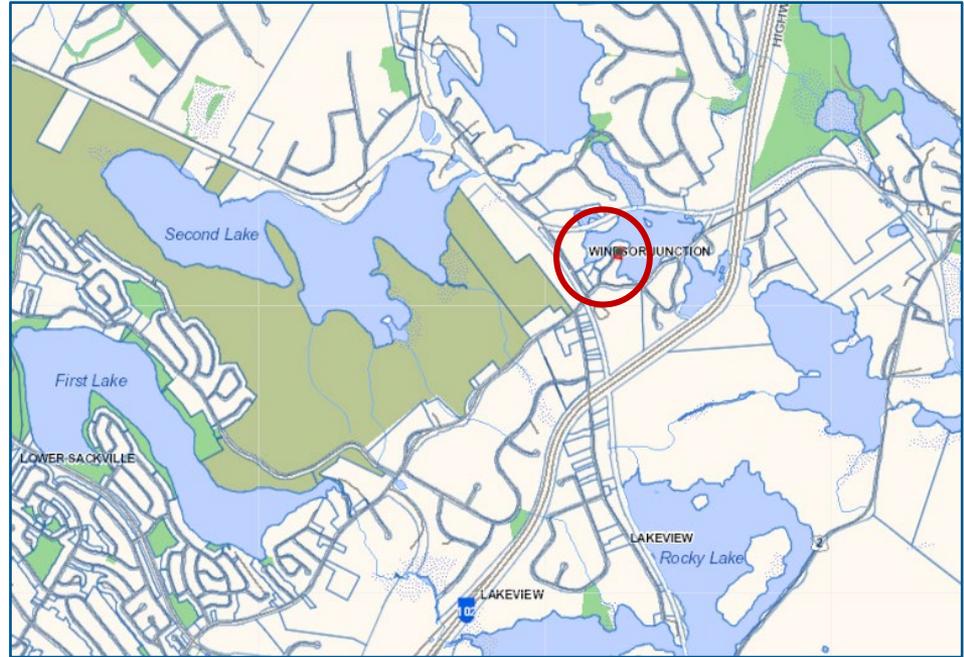
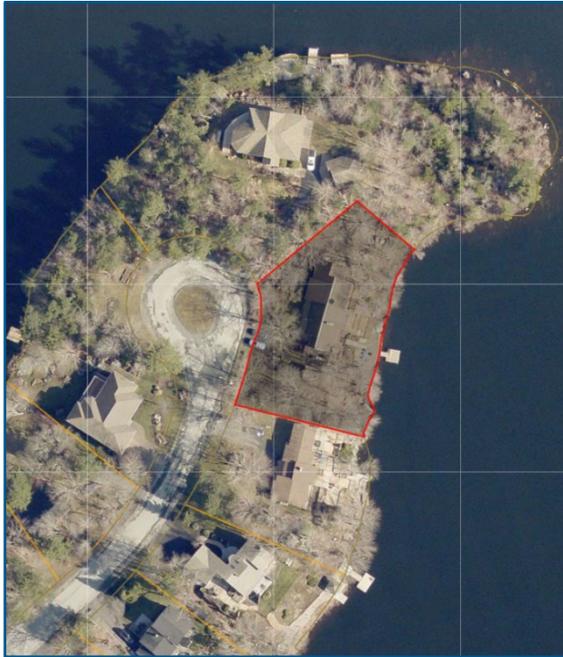
Applicant Proposal

Location: 73 Eagle Point Drive, Windsor Junction

Zoning: R-1B (Suburban Residential) Zone, Planning District 14&17 Land Use By-Law (LUB)

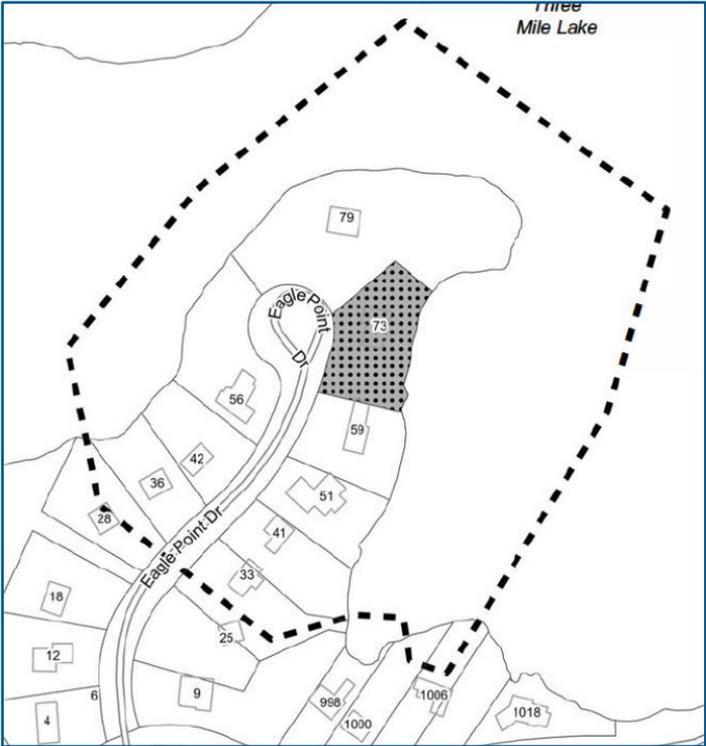
Proposal: Variance request to relax the required front yard setback to allow for the construction of a detached single car garage

Site Context



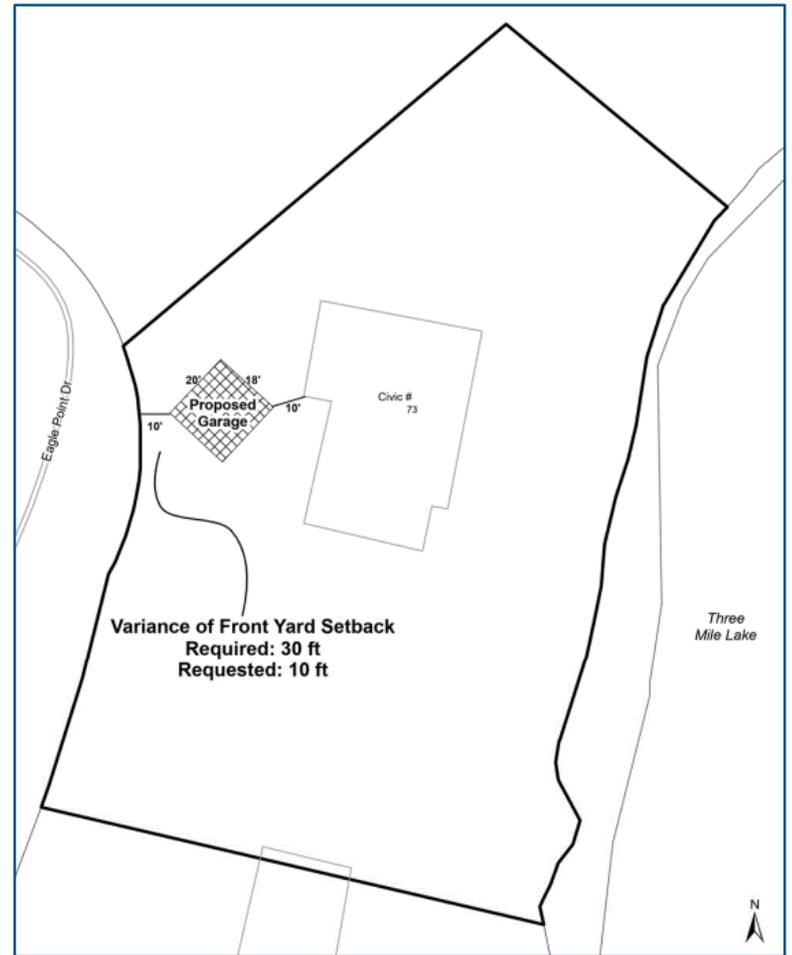
Subject site shown in red

100 Metre Notification Area

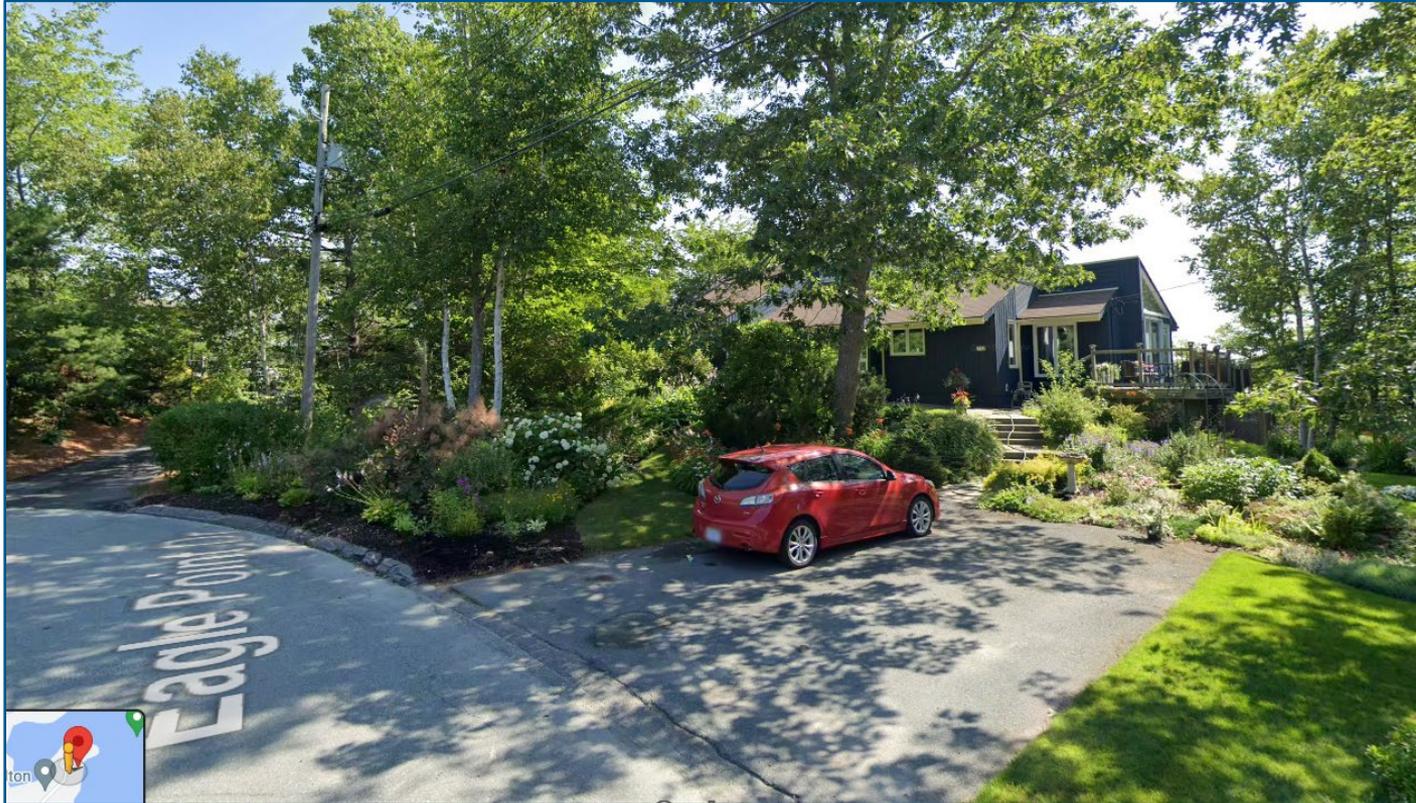


Variance Requested

		Zone Requirement	Variance Requested
1.	Minimum Front Yard Setback	9.144 metres (30 feet)	3.048 metres (10 feet)



Street View



Proposed Building Elevation



Consideration of Proposal

The Halifax Charter

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 LUB?

- Front yard setbacks help to ensure that structures maintain adequate separation from the street for aesthetics, access, and safety purposes.
- The proposed reduction of the front yard setback does not appear to compromise aesthetics, access, or safety of the subject area based on the following:
 - densely treed neighbourhood,
 - existing driveway accesses,
 - near the end of cul-de-sac,
 - paved street approximately 20 feet from the proposed garage.
- HRM Development Engineering has no sight line concerns related to the proposed garage.
- **It is the Development Officer's opinion that this proposal does not violate the intent of the land use by-law.**

Is the difficulty experienced general to properties in the area?

- Most properties on the street are developed with an attached or detached garage.
- Subject site constraints:
 - shallow lot depth compared to others on the street,
 - unique lot configuration,
 - orientation of the existing dwelling on the left side,
 - onsite septic system on the right side,
 - watercourse buffer in the rear yard.
- **It is the Development Officer's opinion that the difficulty experienced is not general to the area.**

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

- The applicant requested the variance prior to commencing construction of the proposed garage.
- **Intentional disregard of the land use by-law requirements was not a consideration for this variance request.**

Alternatives

1. Denial of the appeal motion would result in the approval of the variance. This would uphold the Development Officer's decision, which is staff's recommended alternative.
2. Approval of the appeal motion would result in the refusal of the variance. This would overturn the decision of the Development Officer.

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Thank You

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