

HALIFAX

Case 24627
Variance Hearing
250 Shore Club Road

North West Community Council

Site Location



HALIFAX

Aerial View – 250 Shore Club Road



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Street View – 250 Shore Club Road



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Street View – 250 Shore Club Road



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Street View – 250 Shore Club Road



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Street View – 250 Shore Club Road



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Proposal

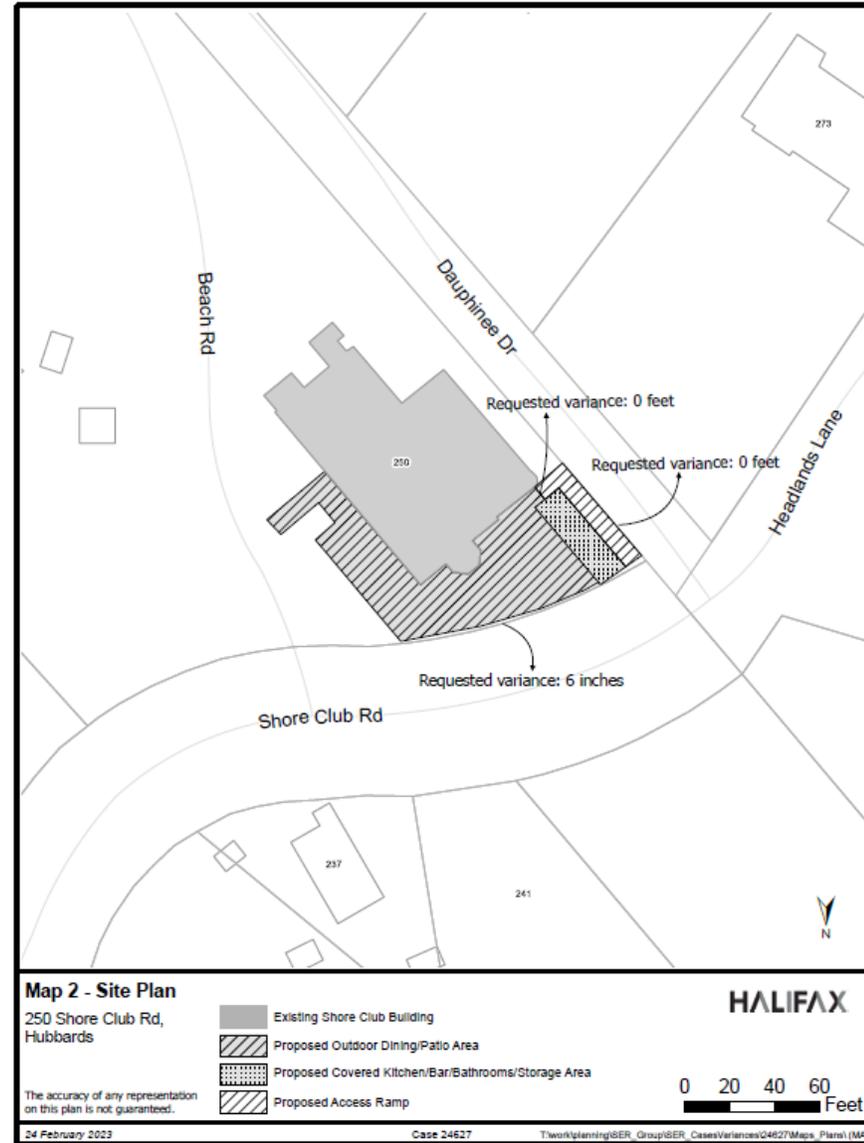
- The applicant is proposing the placement of an outdoor dining patio fronting Shore Club Road and Dauphinee Drive. The outdoor dining patio will also include an outdoor kitchen and bar.
- A variance has been requested to build the outdoor dining patio, kitchen and bar closer to Shore Club Road and Dauphinee Drive than what is permitted in Planning Districts 1 & 3 Land Use By-law.
- Shore Club Road is owned and maintained by Nova Scotia Department of Public Works and Dauphinee Drive is a privately-owned right-of-way.

Variance Request

	Type of Variance	Zone Requirement	Variance Requested
Outdoor Dining Patio	Minimum Front Yard – Shore Club Road	20 feet	0.5 feet
	Minimum Side Yard – Dauphinee Drive	8 feet	0 feet
Outdoor Kitchen/Bar	Minimum Front Yard – Shore Club Road	20 feet	0.5 feet
	Minimum Side Yard – Dauphinee Drive	8 feet	5 feet
	Minimum Distance from a Main Building	12 feet	0 feet

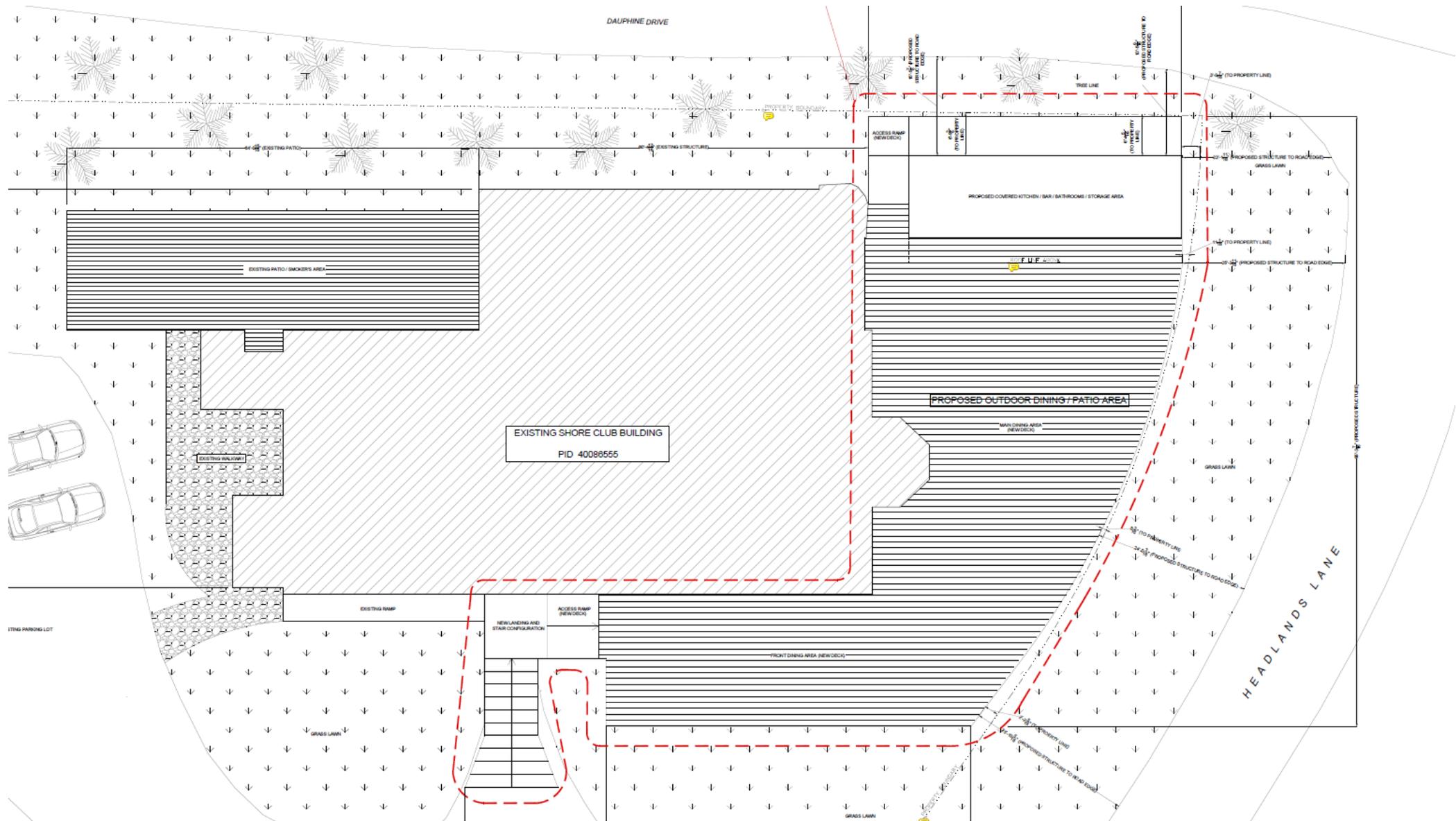
- This variance was approved by the Development Officer and a notice of this variance was sent out to all property owners within 100 metres of the site.

Site plan

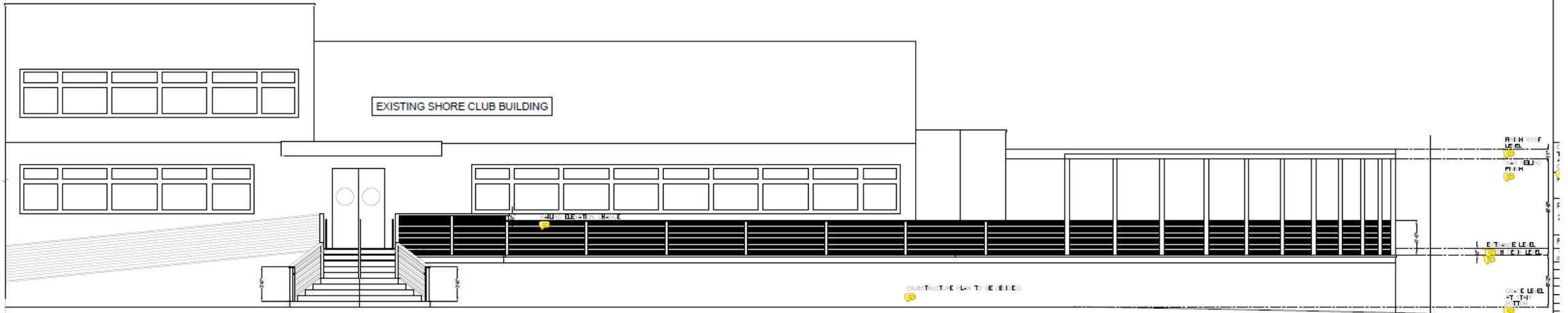


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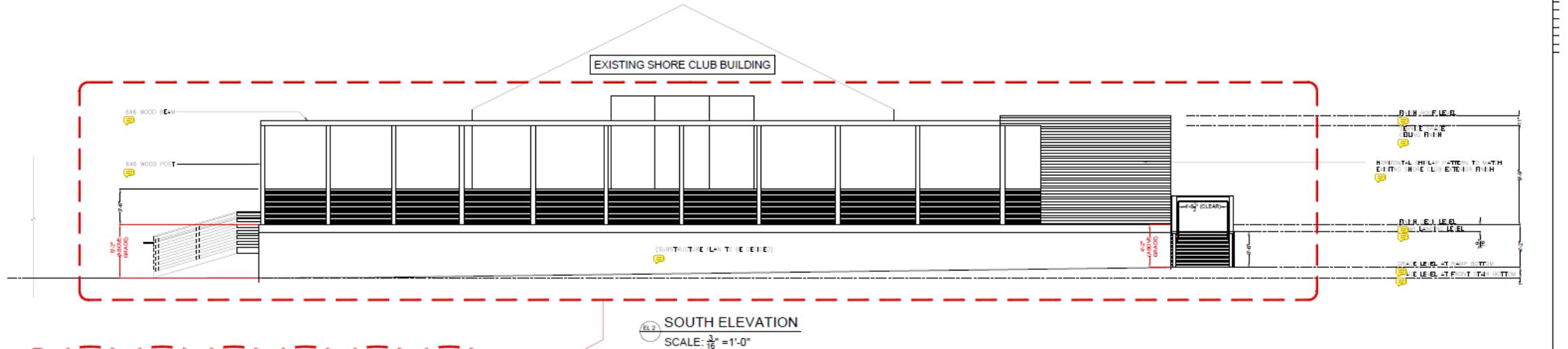
Building Plans



Elevation Drawings



EL.1 WEST ELEVATION
SCALE: $\frac{3}{16}'' = 1'-0''$



EL.2 SOUTH ELEVATION
SCALE: $\frac{3}{16}'' = 1'-0''$

Variance Criteria

- Section 250 (3) of the Halifax Charter:
 - (a) the variance violates the intent of the development agreement or land-use by-law;
 - (b) the difficulty experienced is general to properties in the area; or
 - (c) the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law.

Does the proposal violate the intent of the Land Use By-law?

- Nova Scotia Department of Public Works has approved a right-of-way permit to develop the outdoor patio 0.5 feet from Shore Club Road, ensuring adequate maintenance, access, and safety will be maintained.
- Dauphinee Drive provides adequate separation between the outdoor kitchen/bar and dining patio from surrounding property owners. Accessible ramps are also permitted to encroach in any yard and does not need a variance.
- The separation distance from the main building and outdoor kitchen/bar is complimentary to the business and provides adequate separation.
- It is the Development Officer's opinion that the requested variances does not violate the intent of the Land Use By-law.

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Is the difficulty experienced general to properties in the area?

- The Shore Club is located on a corner lot, presenting difficulties to meet required setbacks and operational needs for the commercial business.
- Location of the proposed patio will be connected to the existing indoor dining area of the Shore Club.
- Due to the physical constraints of the lot and the uniqueness of the commercial operation of the Shore Club, it is the Development Officer's opinion that the difficulty experienced is not general to the area.

Is the difficulty experienced the result of intentional disregard for the requirements of the Land Use By-law?

- The applicant previously applied for a Building Permit to construct a patio which meets the required setbacks. The applicant then applied for a variance to reduce the setbacks to allow for a larger deck.
- There was no intentional disregard to the requirements of the Land Use By-law.

Alternatives

- The alternatives before Council are the following:
 1. Denial of the appeal motion would result in the approval of the variance. This would uphold the Development Officer's decision.
 2. Approval of the appeal motion would result in the refusal of the variance. This would overturn the decision of the Development Officer.
- Alternative number 1 is the recommended alternative from staff.