

HALIFAX

Variance Appeal Hearing

Case 2023-00781

410 Ponderosa Dr.

Harbour East – Marine Drive Community Council

October 30, 2023

Background

- **A variance request has been submitted for 410 Ponderosa Drive in Lake Echo to authorize an existing accessory structure that is located within the minimum 20-foot Front Yard Setback.**

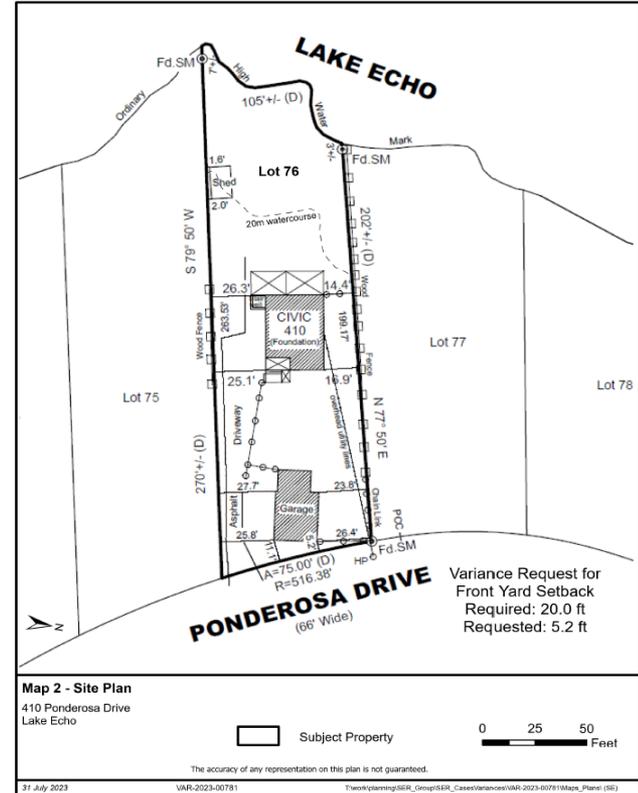
Variance Requested

	Zone Requirement	Required	Requested
1.	Front Yard Setback	20.0 Feet	5.2 Feet

Site Context



Existing Garage & Current Setback



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; or
- c) the difficulty experienced results from an **intentional disregard** for the requirements of the land use by-law.

Consideration of Proposal

a) does the proposal violate the intent of the LUB?

- No. Building setbacks help to ensure that structures maintain adequate separation from adjacent structures, streets and property lines for access and safety.

Consideration of Proposal

b) is the difficulty experienced general to properties in the area?

- No. 410 Ponderosa Dr. is smaller and narrower than the other properties in this subdivision. Due to this factor and the location of On-Site Septic, the garage could not be placed elsewhere.

Consideration of Proposal

c) is the difficulty experienced the result of an intentional disregard for the requirements of the LUB?

- No. The structure was built prior to the applicant's ownership; the current property owner difficulties are not due to the intentional disregard of the requirements of the LUB.

Alternatives

Denial of the appeal motion would result in the approval of the variance. This would uphold the Development Officer's decision.

This is the recommended alternative

OR

Approval of the appeal motion would result in the refusal of the variance. This would overturn the decision of the Development Officer.

HALIFAX

Thank you

Justin Smith, Planner I



Justin.Smith@halifax.ca



902-497-2579