

February 26, 2024

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REVISED: Feb 23, 2024

Variance Appeal Hearing Case VAR-2023-01314

15 Shankel Rd, Hubbards

North West Community
Council

Applicant Proposal

Location: 15 Shankel Rd

Zone: MU-1

LUB: Planning
Districts 1 & 3

Proposal: A variance has been requested at this property to authorize an existing attached deck that is located within the required front yard.

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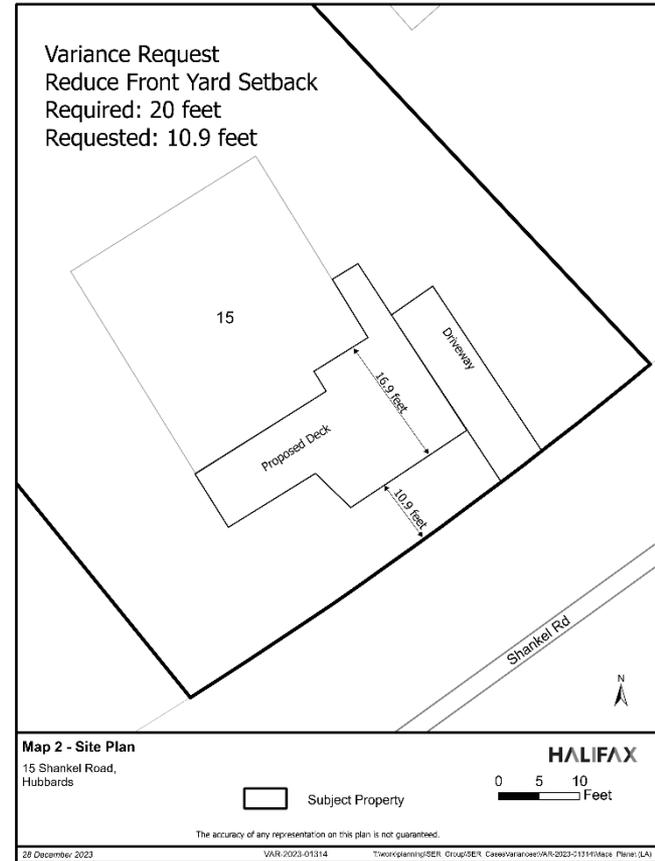
Background

- Attached deck built without a permit
- Order to Comply issued on July 17, 2023
- Building Permit applied for to authorize deck on August 3, 2023
- Variance requested to allow deck within required front yard
- All other land use bylaw requirements are met for the deck

Site Context



Existing dwelling with attached deck.



Variance #2023-01314

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Variations Requested

Zone Requirement		Required	Requested
1.	Front yard setback	20 feet	10.9 feet

Consideration of Proposal

HRM Charter

250A (1) A development officer shall grant under Section 250 a variance respecting a setback or a street wall notwithstanding any land-use by-law or development agreement **unless the variance would materially conflict with the municipal planning strategy.**

Consideration of Proposal

Does the proposal materially conflict with the municipal planning strategy?

- The variance does not materially conflict with policy MU-2 of the municipal planning strategy as intention has not been given regarding setbacks for residential uses.

Alternatives

Council may allow the appeal, overturning the Development Officer's decision, resulting in **refusal** of the variance.

OR

Council may deny the appeal, resulting in **approval** of the variance.

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Thank you

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Variance Consideration Changes

Former Considerations

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.

Current Considerations

250A (1) A development officer shall grant under Section 250 a variance respecting a setback or a street wall notwithstanding any land-use by-law or development agreement **unless the variance would materially conflict with the municipal planning strategy.**