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Harbour East Community Council
March 5, 2009

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: Sharon Bond

Sharon Bond, Acting Director of Community Development

DATE: February 3, 2009

SUBJECT: Deck setbacks - Heritage Hills

INFORMATION REPORT

ORIGIN

December 16, 2008 - Harbour East Community Council requested a staff report concerning separation distances for decks in the Heritage Hills Development Agreement.

BACKGROUND

Harbour East Community Council requested staff review a number of decks which do not appear to meet the minimum setback requirements of the Heritage Hills Development Agreement. A site inspection was conducted and it appears that there are approximately one hundred (100) decks which do not meet the current side yard standards. It was very difficult to determine the exact number because of snow accumulation.

The permit files for some of the identified properties were also reviewed. There is not a definitive answer on why such a large number of decks encroach in the side yard setback requirement. Some were not identified during the construction process and others were not shown when plans were submitted with the application. The original development agreement was approved in 1994 which means construction and additions have occurred on properties over a fifteen (15) year period.

Over the past number of years there have been a number of amendments to the agreement. There are six (6) lot categories (A, B, C, D, E and F) each with its own subdivision and development standards. The side yard setbacks vary for each lot category, outlined below are the side yard requirements for each:

Lot Category	Side Yard Setbacks
A & B	8 feet
C & D	4 feet one side; 6 feet other side; 12 feet between buildings
E & F	10 feet one side; 0 feet other side

The development agreement and land use by-law considers an attached deck part of the main dwelling. Therefore, the attached deck must maintain the same side yard setback which is required for the dwelling.

DISCUSSION

In some plan areas, ie., Bedford, attached decks are permitted to encroach closer than the main dwelling. The development agreement for Heritage Hills does not provide for a reduced setback. While a deck is not permitted to encroach in a required side yard, other architectural features such as uncovered patios, walkways wheelchair ramps, or steps may be located in any yard. During a site inspection, it was identified that there are approximately 100 decks that appear to encroach in the required side yard setback. To address this issue by requiring the decks to be modified to comply would cause considerable hardship on a number of home owners in the subdivision.

Also, since 1994 there has been additional requirements for building plan submission, plan review and additional building inspections for properties. These changes help in identifying potential problems before they occur and minimize the problem of encroachments such as what has occurred in the Heritage Hills subdivision.

Because there are a large number of decks not in compliance with the development agreement, it may be more appropriate to look at modifications to the existing agreement or discharge of the existing development agreement and create a new zone standard.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Sean Audas, Development Officer, 490-4341