

PENINSULA COMMUNITY COUNCIL
MINUTES

April 12, 2010

PRESENT: Councillor Dawn Sloane, Vice Chair
Councillor Jennifer Watts
Councillor Sue Uteck

REGRETS: Councillor Jerry Blumenthal, Chair

STAFF: Ms. Karen Brown, Senior Solicitor
Ms. Sheilagh Edmonds, Legislative

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1. CALL TO ORDER

The meeting was called to order at 7:03 p.m. by Councillor Sloane.

2. APPROVAL OF MINUTES

MOVED by Councillor Uteck, seconded by Councillor Watts that the minutes of March 3, 2010 be approved. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Addition:

- 10.2.1 (i) Case 01319: Development Agreement - 5896 Spring Garden Road and 1489 Carlton Street
- Report from Heritage Advisory Committee

MOVED by Councillor Uteck seconded by Councillor Watts that the agenda, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES / STATUS SHEET:

4.1 Business Arising - None

4.2 Status Sheet:

Later in the meeting, during Notices of Motion, Councillor Watts asked that GFAR Report be added to the Status Sheet (see page 7). The Councillor explained that she was informed that a staff report on this item was currently being prepared, and that she wanted to add this item to the Status Sheet to ensure that a copy of the report comes before Community Council.

5. MOTIONS OF RECONSIDERATION: None

6. MOTIONS OF RESCISSION: None

7. CONSIDERATION OF DEFERRED BUSINESS: None

8. HEARINGS:

8.1 Public Hearings: None

8.2 Variance Appeal Hearings:

8.2.1 Variance Appeal: Case 15941 - 6266 Lawrence Street

- A staff report dated March 31, 2010 was submitted.

- Correspondence was submitted from:
 - Valerie and Patrick Connors
 - Dan Wood

Ms. Erin McIntyre, Development Technician, presented the staff report outlining the reasons why the Development Officer refused the application for variance from the lot area, lot coverage and Gross Floor Area Ratio (GFAR) requirements of the Halifax Peninsula Land Use Bylaw to permit the construction of a single family dwelling.

In her presentation, she advised that the required minimum lot area allowed is 3,000 sq. ft. and the proposed is 2,700 sq. ft; the maximum lot coverage allowed is 35% and the proposed is 35.2%; the maximum Gross Floor Area Ratio is 2,025 sq. ft. and the proposed is 2,435 sq. ft. Ms. McIntyre advised that the Development Officer refused the variance because the proposed increase in the allowable Gross Floor Area of the single family dwelling is 410 sq. ft. and this violates the intent of the Land Use Bylaw.

There were no questions of clarification from Community Council.

The Chair reviewed the Rules of Procedure and opened the hearing.

Mr. Paul MacNutt, the applicant indicated that he jointly owned the property in question. He advised that the design of the proposed home was very typical to the neighbourhood, and that he wanted to develop the basement for family use and it would include a family room, an office, and a fourth bathroom. Mr. MacNutt added that his project complies with the setbacks and height restrictions and noted that there were other homes on this street that were developing their basements and adding on pieces. He added that he is willing to work with his neighbours to come up with something that is satisfactory to everyone. Mr. MacNutt advised that he spoke with seven neighbours on his street and they are supportive of the project; and that he spoke with two other residents and they indicated they did not want to sign anything but would not oppose his project.

Mr. Parker Barss Donham addressed Community Council and noted that he owned two homes on the street. Mr. Donham advised that his objection to the variance was in regard to the proposed increase to the Gross Floor Area Ratio. He added that it was a significant increase, at over 20 percent, and would be on a lot that was already reduced in size. Mr. Donham advised that although the height was within the limits, it was a concern to him and he added that he would be more comfortable with the project if it were brought down in scale.

Mr. Patrick Connors advised that he owned the abutting property to the property in question. Mr. Connors added that he supported the Development Officer's decision to deny the variance. Mr. Connors noted that the applicant is requesting a 10 percent reduction in minimum lot size to accommodate a 20 percent increase in building size. He suggested that the building was out of character with adjacent properties in terms of scale, style, and design. Mr. Connors also pointed out that the variance between the existing property and proposed property will be four feet. He added that on a house 35 ft. in height, it would be very difficult to get a ladder in between the properties. Mr. Connors requested that Community Council uphold the Development Officer's decision.

The Chair called three times for any other speakers. There being none, it was **MOVED by Councillor Uteck, seconded by Councillor Watts that the appeal hearing close. MOTION PUT AND PASSED.**

Councillor Watts advised that she visited the site three times and read the letters the proponent provided. She also noted that a letter was submitted this evening from a resident of 6247 Allen Street supporting the Development Officer's decision to refuse the variance. She suggested that there was some misunderstanding on the intent of GFAR and requested staff to comment for clarification.

Mr. Andrew Faulkner, Development Officer, explained that, initially, the Gross Floor Area Ratio was brought in to deal with potential homes becoming rooming houses and to deal with people wanting to put extremely large homes on small lots in traditional neighbourhoods which were out of character with the abutting properties.

Councillor Watts advised that the design of the home was very nice, however, based on the comments of the Development Officer and the residents, she believed the home was out of character with the neighbourhood and, therefore, would support the decision of the Development Officer to refuse the variance.

MOVED by Councillor Watts, seconded by Councillor Uteck that Peninsula Community Council uphold the Development Officer's decision to refuse the variance. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence: None

9.2 Petitions: None

9.3 Presentations: None

10. REPORTS:

10.1 Staff Reports: None

10.2 Committee Reports:

10.2.1 District 12 Planning Advisory Committee - Case 01319: Development Agreement - 5896 Spring Garden Road and 1489 Carlton Street

- A report dated February 25, 2010 from the Chair of the District 12 Planning Advisory Committee was submitted.
- A report dated April 8, 2010 from the Chair of the Heritage Advisory Committee was circulated.
- A staff report dated January 13, 2010 was submitted.

MOVED by Councillor Uteck, seconded by Councillor Watts that Peninsula

Community Council give Notice of Motion to consider the proposed development agreement, as described in Attachment of the January 13, 2010 staff report to permit a restaurant/coffee shop within the registered heritage properties located at 5896 Spring Garden Road and 1489 Carlton Street, Halifax, and schedule a public hearing. MOTION PUT AND PASSED.

10.3 Members of Peninsula Community Council:

10.3.1 Direct Venting onto Sidewalk - Councillor Sloane

Councillor Sloane advised that she received complaints about a dryer vent installed at 6102 South Street that discharges directly onto the sidewalk, and about a kitchen vent at Risley Hall (Dalhousie) that vents onto LeMarchant Street. The concern is that the moisture from the vents can create a hazardous situation for pedestrians if it freezes, and that having to walk through various cooking smells and perfumes can be unhealthy for some people. She noted that Dalhousie was trying to fix their situation at Risley Hall. Councillor Sloane added that Bylaw Enforcement staff were contacted, but advised that nothing can be done because under their interpretation of the Bylaw, the vents are neither dangerous or unsightly. Councillor Sloane requested Community Council's support in asking staff to look into this issue to see if something can be done to correct this situation, such as a change in the building code, and provide an information report back to Community Council, **to which it was agreed.**

10.3.2 Community Meeting to Discuss Zoning Issues in the Westmount Subdivision Area - Councillor Watts

MOVED by Councillor Watts, seconded by Councillor Uteck that planning staff organize a community meeting for the Westmount subdivision area to discuss the existing ability to rezone within the Residential Environments Designation of the Halifax Municipal Planning Strategy and report back to Peninsula Community Council by way of an information report. MOTION PUT AND PASSED.

11. MOTIONS: None

12. ADDED ITEMS: None

13. NOTICES OF MOTION:

13.1 Councillor Watts

Councillor Watts gave notice that at the next regular Peninsula Community Council meeting to be held on May 10, 2010 she intends to move a motion that staff provide a report to Peninsula Community Council on the content included in the economic analysis that is done by Moncton on the major concerts that are held there to clarify what information is provided in the public domain.

13.2 Councillor Watts

Councillor Watts gave notice that at the next regular Peninsula Community Council meeting to be held on May 10, 2010 she intends to move a motion that staff develop a FAQ sheet for the HRM website on the process related to the placement of communications facilities within HRM similar to the resource that is available on the City of Winnipeg website.

13.3 Councillor Watts

Councillor Watts gave notice that at the next regular Peninsula Community Council meeting to be held on May 10, 2010 she intends to move a motion to request that the Deputy Chief Administrative Officer provide a written report to Peninsula Community Council on the process of how major concerts are decided for either the Garrison Grounds or the North Common including an accurate projection for the number of concert goers that can be accommodated at the Garrison Grounds and whether there is a mechanism to monitor ticket sales leading up to the event to ensure appropriate placement of concerts.

Councillor Watts advised that she had intended to move notice of motion to request a staff report on the GFAR, however, she's been advised that there is currently a report underway. Councillor Watts requested that this matter be added to the Status Sheet.

At 7:31 p.m. Councillor Uteck advised that she had to retire from the meeting and quorum was lost.

The Chair advised that even though there was no quorum, if there were any members of the public who wished to come forward for Public Participation, they could do so now.

14. PUBLIC PARTICIPATION

Ms. Beverly Miller addressed Community Council and expressed her appreciation to Councillor Watts for her efforts in obtaining information on the Halifax Common.

Ms. Miller expressed concern with the tendency, recently, for developers to hold public information meetings prior to staffs' public information meetings. She explained that there are no controls over these meetings and the developers can say anything they want.

Ms. Miller read and submitted information in regard to the proposed new convention centre and debt servicing charges. She advised that members of the *Coalition to Save the View* conducted an analysis of the economics of the proposed convention centre and concluded that it will cost the \$6.2 million annually to carry the borrowing costs for the new centre.

15. NEXT MEETING - May 10, 2010

16. ADJOURNMENT:

The meeting adjourned at 7:38 p.m.

Sheilagh Edmonds
Legislative Assistant