

PENINSULA COMMUNITY COUNCIL
MINUTES

October 4, 2010

PRESENT: Councillor Jerry Blumenthal, Chair
Councillor Sue Uteck
Councillor Jennifer Watts

REGRETS: Councillor Dawn Sloane

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

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m.

2. APPROVAL OF MINUTES

Councillor Watts referred to item 10.1.3 of the September 13, 2010 minutes and advised that, when the item was dealt with, staff clarified a couple of questions that she had asked in regard to the discretion Community Council will have concerning restrictions on lounges. She asked that the minutes be amended to include these points.

MOVED by Councillor Uteck, seconded by Councillor Watts that the minutes of September 13, 2010 as amended be approved.

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

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

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

Community Council reviewed the Status Sheet. The Legislative Assistant was asked to remove the item, Neighbourhood Downzoning.

5. MOTIONS OF RECONSIDERATION: None

6. MOTIONS OF RESCISSION: None

7. CONSIDERATION OF DEFERRED BUSINESS: None

8. HEARINGS:

8.1 Public Hearings:

8.2 Variance Appeal Hearings:

8.2.1 Variance Appeal #16407: 6127/6129 Shirley Street, Halifax

A staff report dated September 27, 2010 was submitted.

Correspondence dated October 4, 2010 was submitted from Mary Simms.

Mr. Mark Inness, Development Technician, outlined the reasons the Development Officer refused a variance request to exceed the Gross Floor Area Ratio requirement of the Halifax Peninsula Land Use By-law at 6127/6129 Shirley Street, Halifax. He

advised that the property owner wanted to build an additional floor to the existing dwelling.

Mr. Inness noted that there were numbers in the staff report that have been changed as a revised plan was submitted. He explained that rather than requesting a variance of 1080.3 square feet, the revised plan has changed the variance request to 706 square feet of the maximum allowed. In conclusion Mr. Inness advised that the application was refused because the increase to the gross floor area would violate the intent of the Land Use Bylaw.

Mr. Inness advised that two letters were submitted from residents in support of the Development Officer's decision to refuse the variance. He noted that these letters expressed concern with the overbuilding of existing homes; parking concerns; the proposal was out of character with the street; and that the proposed addition may lead to similar proposals on surrounding properties.

Mr. Inness and Mr. Sean Audas, Development Officer responded to questions from Community Council.

Mr. Audas addressed Community Council and advised that he wanted to clarify two points in the staff report. He explained that the report indicates the addition is a two bedroom unit, however in discussion today and after reviewing the plan, the addition is actually a one-bedroom unit on the third level. He added that the applicant has advised that the total number of bedrooms will be five and not six. Mr. Audas also noted that when staff calculated the square footage of the upper level, the deck portion was included, however, this should not have occurred. Mr. Audas advised that upon reviewing the plan the square footage is 988 square feet, which is less than the staff assessment, however, this did not change his decision in regard to the variance.

The Chair opened the appeal hearing.

Ms. Gillian Rogers, property owner and appellant addressed Community Council and indicated that it was only this morning when she became aware that the Development Officer had denied her variance request. As referenced by staff, Ms. Rogers noted that some of the information provided in the staff report was incorrect in regard to the proposed Gross Floor Area and the number of bedrooms. She advised that the Gross Floor Area will be 3706 square feet and not 4080 square feet. In addition, she pointed out that the number of bedrooms will be decreased from six to five. Ms. Rogers added that she spoke with a neighbour today and was told that the impression in the neighbourhood was that they were adding a third floor with two bedrooms to the six they currently have, and would be renting them out to students. Ms. Rogers emphasized that this was not true, and that the property is their new home, purchased in 2003 with the intention of occupying the middle unit and, to date, they have invested \$50,000 in the building. She noted that they are renovating the existing two units and wish to add a partial third story with a budget \$250,000. Ms. Rogers also advised that there will be three off-street parking spaces in the back yard, a bicycle rack, and back yard green space. She pointed out that the neighbour beside her property has recently completed a third floor addition to their home, on a lot size smaller than hers. In conclusion, Ms.

Rogers added that she believes the renovation she has planned is in keeping with HRM's rejuvenation of its downtown core by encouraging its citizens to move into the central regions.

Mr. John Czenze expressed concern in regard to density advising that this was a neighbourhood at risk, and he suggested that the third storey addition would not be in keeping with the neighbourhood, as it would be much higher than the rest of the homes. He also expressed concern about using the back yard for the parking spaces of three vehicles. In closing, Mr. Chesley submitted a letter from his partner, Liz Naylor, and advised that she was also in agreement with the Development Officer's decision.

The Chair called three times for anyone else wishing to speak; there being none, it was **MOVED by Councillor Uteck, seconded by Councillor Watts that the appeal hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Uteck, seconded by Councillor Watts that the decision of the Development Officer be overturned and the variance granted.

Councillor Uteck advised that she supported the variance request as it is a situation where the property owners are making a commitment to live in the dwelling and that the proposed plans show that this development is not going to be a quasi-rooming house.

Councillor Watts indicated she supported the variance request due to the effort by the homeowners to upgrade the dwelling and that there will be a reduction in bedrooms.

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: None

10.3 Members of Peninsula Community Council:

Community Council decided to deal with item 10.3.2 prior to 10.3.1.

10.3.2 Regional Parking Strategy and Winter Parking Solutions
(Councillor Sloane)

Mr. Ken Reashor, Director, Transportation and Public Works provided a brief presentation on the Regional Parking Strategy and on the 2010/11 winter parking strategy, and responded to questions. In his remarks Mr. Reashor advised that the strategy used last year was successful and the same strategy will be used for this upcoming winter season. He noted that the dates of when the parking ban will commence and end have not been confirmed, but staff have a communication plan ready to be implemented once the dates have been set.

In response to questions, Mr. Reashor noted the following points:

- The suggestion of implementing the Montreal strategy has been studied by staff and not recommended because following a storm only 45 percent of their roads are passable and this is below HRM standards.
- Tickets are not issued within 24 hours of 'no parking' signs being erected. In response to a concern expressed by Councillor Blumenthal that last year he received complaints that tickets were issued within one hour of signs being erected, Mr. Reashor advised that staff will ensure that the officers issuing tickets will be informed of the process.

10.3.1 Minor Baseball Review (Councillor Watts)

Councillor Watts advised that she spoke with staff recently about the need to engage the community early on in the process of the Review, and that it should include the residents and not limited to only the baseball community. She added that staff has indicated they expect the process to begin in the new year.

11. MOTIONS: None

12. ADDED ITEMS: None

13. NOTICES OF MOTION: None

14. PUBLIC PARTICIPATION:

Mr. John Czenze, Halifax, addressed Community Council and advised that he supported recent comments made by Councillor Watts in regard to encouraging an open audit of the Concerts on the Commons. He expressed concern over recent media reports on the concert promoter, and advised that these concerts should stop as it is costing the City and Province too much money. Mr. Chesley also advised that he wanted to point out to the Municipality that most residents feel that the situation of students and rooming houses is not getting any better. He noted that a new issue which has come up is absentee landlords in the form of parents buying houses for the students. These become defacto rooming houses and are not changing hands.

15. NEXT MEETING: November 8, 2010

16. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Sheilagh Edmonds
Legislative Assistant