

PENINSULA COMMUNITY COUNCIL  
MINUTES

April 6, 2009

**PRESENT:** Councillor Sue Uteck, Chair  
Councillor Dawn Sloane  
Councillor Jerry Blumenthal  
Councillor Jennifer Watts

**STAFF:** Mr. Martin Ward, Senior Solicitor  
Ms. Sheilagh Edmonds, Legislative Assistant

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1. **CALL TO ORDER**

The Chair called the meeting to order at 7:02 p.m. in the Council Chamber, City Hall.

2. **APPROVAL OF MINUTES**

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the minutes of March 9, 2009 be approved. MOTION PUT AND PASSED.**

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

Additions:

- 12.1 Councillor Watts - Consultation on Winter Parking Ban
- 12.2 Councillor Watts - Update Request on Street Cleaning Report

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

4.1 **Status Sheet**

4.1.1 **Neighbourhood Downzoning**

No update. To remain on Status Sheet.

4.1.2 **Presentation - Halifax Peninsula Community Health Board**

Councillor Uteck advised that staff forwarded on an e-mail received from Capital Health which said that this was no long a priority for them. She added that she wants the matter to remain on the Status Sheet as it was her priority to establish a hospice and there is a group still interested.

4.1.3 **Mitchell's Enviro Depot Update**

No update. To remain on Status Sheet.

4.1.4 **CN Property Maintenance**

No update. To remain on Status Sheet.

4.1.5 **Peninsula Place Flooding**

No update. Councillor Sloane asked for a staff update on whether there has been any movement on the settling of claims.

4.1.6 **Litter Receptacles in the area of Robie/North/Agricola/Almon**

No update. To remain on Status Sheet.

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 Hearings:**
- 8.2.1 **Variance Appeal #15234 - 6421 Cork Street** (*appeal of the Development Officer's decision to refuse the variance*)

A staff report dated March 25, 2009 was submitted.

A petition in opposition to the proposal, and received in the Municipal Clerk's Office March 30, 2009 containing 12 signatures, was submitted.

Ms. Connie Sexton, Development Technician, addressed Community Council and outlined the reasons the Development Officer refused the variance request of lot coverage and setback requirement of the Halifax Peninsula Land Use Bylaw to permit an addition to an existing institutional building at 6421 Cork Street. In her presentation Ms. Sexton noted that the variance was requested in order to permit an addition to an existing institutional building, and that the use of the building would change from residential to institutional (i.e. church/temple). Ms. Sexton advised that the variance was refused for the following reasons:

- it would change the character of the neighbourhood; the proposal to create a lot twice the typical size; to exceed the lot coverage by 15% would be a significant deviation from the neighbourhood norm and does not meet the intent of the land use by-law.
- although the Land Use Bylaw does not regulate tree retention, the application would involve the removal of mature trees and replacing them with a building.
- 18 of the 21 residential properties in the area comply with the maximum of 35% lot coverage, therefore the difficulty experienced is general to the properties in the area.

In concluding her remarks, Ms. Sexton noted that there has been no intentional disregard for the requirements of the land use bylaw.

There were no questions from Community Council.

The Chair reviewed the Rules of Procedure for Variance Appeal Hearings and opened the hearing for those wishing to speak.

**Mr. K. J. Gandhi** addressed Community Council and advised that he was an architect and representing the applicant on this proposal. He advised that his client wants to extend the prayer hall of the Hindu Temple as the current temple on Cork Street is too small for the

congregation. He noted that their main activities of prayers and Sunday School are carried out on Sunday from 11:00 a.m. to 2:00 p.m. and there are some classes in the evening. Mr. Ghandi suggested that the setbacks were not unlike other properties in the area noting that the sideyard setback is only 4 inches short of the requirement; the front yard setback is 20 feet behind the property line and most of the buildings in the area are less than 20 feet from the line. Mr. Ghandi also advised that although some trees will be required to be removed, they intend to plant additional trees along the side of the property.

**Ms. Heather Harris**, Halifax made reference to a letter she and her husband sent to the Councillors of Peninsula Community Council and to a signed petition from residents of the area, and advised that both were recommending Community Council reject the variance. In her remarks, Ms. Harris advised that the building will not enhance the community and will dominate all the buildings in the neighbourhood as it spans the length of two city lots, and will be 35 ft. high. She added that this will change the character of the neighbourhood and split it into small residential areas. Ms. Harris questioned the need for such a large building, and advised that she has experienced noise, especially during the summer months, to the extent that she has had to close her windows because the singing and music has gone on to midnight, and she has been unable to sleep. Ms. Harris added that she and her husband have lived in their home for 33 years, and she expressed concern about the proposal as it would greatly devalue their property. She noted that she will have zero visibility out her kitchen window if the proposal is approved.

**Ms. Judith Gaudet**, Halifax addressed Community Council and requested that Community Council not approve the proposal. Ms. Gaudet expressed concern about the vast size of the proposed building, and the affect that it would have on the value of her property.

The Chair called three times for any further speakers; there being none, it was **MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the public hearing close. MOTION PUT AND PASSED.**

Mr. Andrew Faulkener, Development Officer, responded to questions.

Councillor Watts advised that she has spoken with members of the community and of the Hindu society to see if there is a balance between the need for more space for the Hindu society and something that would be comfortable for the neighbours. She added that the residents have expressed strong concern over increased traffic, their property values, and the enjoyment of their own homes. Councillor Watts referred to Policy 2.4 of the Municipal Planning Strategy, noting that one of the goals is to maintain the character and stability of established neighbourhoods, and she advised that she could not support the proposal based on this policy and recommended upholding the Development Officer's decision.

**MOVED by Councillor Watts, seconded by Councillor Blumenthal 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:**

**9.3.1 Conrose and Chebucto Minor Baseball Re: Shortage of Available Ball Diamonds on the Peninsula**

A presentation was submitted from Tim Reardon, Conrose Minor Baseball Association.

Mr. David Tzagarakis, Field Manager, Conrose Minor Baseball Association and Mr. Garnet Westhaver representing Halifax Chebucto Minor Baseball Association provided presentations on the problems they are encountering with the shortage of ball diamonds on the Peninsula. Copies of their presentations were submitted for the official file.

**MOVED by Councillor Sloane, seconded by Councillor Watts that staff meet with members of the Conrose Minor Baseball Association and the Halifax Chebucto Minor Baseball Association to discuss their concerns; and also:**

- that staff look at re-evaluating how the fields are allotted during the months of play
- that the field on the Commons (Diamond 5) be repaired in time for season play
- staff look at the possibility of creating another diamond on the Commons for minor baseball.

**MOTION PUT AND PASSED.**

The Chair noted that a meeting had been held this morning with staff, and Field Number 5 would be reinstated.

**10. REPORTS:**

**10.1 Staff Reports:**

**10.1.1 Case 01200: LUB Amendment, Halifax Peninsula - First Reading and scheduling a Public Hearing**

A staff report dated March 6, 2009 was submitted.

**MOVED by Councillor Blumenthal , seconded by Councillor Sloane that Peninsula Community Council give First Reading to the proposed amendments to the Halifax Peninsula Land Use By-law as contained in Attachment "A" of the March 6, 2009 staff report to enable restaurants as a permitted use in the C-I zone, and schedule a public hearing for May 11, 2009. MOTION PUT AND PASSED.**

**10.2 Committee Reports: None**

**10.3 Members of Peninsula Community Council: None**

**11. MOTIONS: None**

**12. ADDED ITEMS:**

**12.1 Councillor Watts - Consultation on Winter Parking Ban**

**MOVED by Councillor Watts, seconded by Councillor Sloane that staff schedule a**

**consultation on the Winter Parking Ban, and that it take place in the spring. MOTION PUT AND PASSED.**

**12.2 Councillor Watts - Update Request on Street Cleaning Report**

Councillor Watts advised that at the February meeting she requested an information report on the possibility of alternate street cleaning time and, at that meeting, staff indicated they would provide a response in March. She added that she has not received anything further, and requested that the Legislative Assistant follow up on this matter and ask staff for a response by the next meeting.

**13. NOTICES OF MOTION - None**

**14. PUBLIC PARTICIPATION:**

Ms. Beverly Miller, Halifax, advised that Friends of the Halifax Common, who were denied a presentation this evening wanted to bring to Community Council's attention the Bell Road Motorway, which will call for the widening of Bell Road between the Willow Tree and Summer Street. She submitted a sketch for the official record. Ms. Miller added that this is a concern to a lot of people because of the nearby playground and it is in direct contravention to what is being planned for Quinpool Road, which is to slow down traffic and improve the pedestrian atmosphere.

Ms. Miller advised that Community Council should begin immediately to deal with through-lots for R-1 and R-2 zones, noting that there have been a lot of problems in the south end.

Ms. Miller submitted a copy of the District 12 Planning Advisory Committee's Terms of Reference and noted sections which indicated that the Committee should have had some input into the HRMbyDesign review process. She added that the Committee had asked to have representation on the Urban Design Task Force when it was created, but was refused. Ms. Miller advised that approximately one year ago the Committee began writing letters to the Urban Design Task Force and staff requesting that the District 12 Planning Advisory Committee be included in the review, but were brushed off. She noted that the only response they received was a letter from the Mayor advising that they attend the Public Hearing. She added that a letter dated February 24, 2009 was sent to the Mayor and Council stating that, at a minimum, the Committee should review the HRMbyDesign Plan, because it was clear in their Terms of Reference that this was something they needed to do. Ms. Miller added that the Committee has not received any response whatsoever. She requested that Community Council respond to the letter, and request that the District 12 Planning Advisory Committee review the HRMbyDesign Plan.

The Chair asked the Legislative Assistant to follow up with the Mayor's Office with regard to the February 24, 2009 letter.

The Chair noted in the Terms of Reference submitted by Ms. Miller, that Peninsula Community Council and the District 12 Planning Advisory Committee are to meet at least once per year. She asked Councillor Sloane to follow up and arrange a meeting.

**15. NEXT MEETING - May 11, 2009**



**16. ADJOURNMENT**

The meeting adjourned at 7:59 p.m.

Sheilagh Edmonds  
Legislative Assistant