

PENINSULA COMMUNITY COUNCIL
MINUTES

February 8, 2010

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

STAFF: Mr. Randolph Kinghorne, 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

MOVED by Councillor Sloane, seconded by Councillor Uteck that the minutes of January 11, 2010 be approved. MOTION PUT AND PASSED.

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

Deletions:

8.2.2 Variance #15806 - 1122 Lucknow Street
(appellant has withdrawn)

8.2.3 Variance #15799 - 5670 Morris Street
(appellant has withdrawn)

Additions:

12.1 Information Report dated January 8, 2010 entitled, Lounges Within Restaurants on Quinpool Road (add to regular agenda) - Councillor Uteck

12.2 Case 01248: Amendments to the Halifax Municipal Planning Strategy/Development Agreement, Cedar Street In-fill, Halifax

12.3 Councillor Watts: North Common Plan - Update & Direction

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

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

4.1 Status Sheet

4.1.1 Neighbourhood Downzoning

No update was provided. This item is to remain on the Status Sheet.

4.1.2 Mitchell's Enviro Depot Update

No update was provided. This item is to remain on the Status Sheet.

4.1.3 CN Property Maintenance

No update was provided. This item is to remain on the Status Sheet.

4.1.4 Peninsula Place Flooding

No update was provided. Councillor Sloane requested a status report.

4.1.5 Litter Receptacles in the area of Robie/North/Agricola/Almon

No update was provided. Councillor Blumenthal advised that this item could be removed from the status sheet.

5. MOTIONS OF RECONSIDERATION: None

6. MOTIONS OF RESCISSION: None

7. CONSIDERATION OF DEFERRED BUSINESS:

7.1 Variance Appeal -Variance #15707 - 5236 South Street

The variance appeal was held and closed at the January 11, 2010 meeting, and Community Council deferred its decision.

Community Council was informed that the appeal had been withdrawn.

The Municipal Solicitor advised that no further action was required.

8. HEARINGS

8.1 Public Hearings: None

8.2 Variance Appeal Hearings:

8.2.1 Variance 15734 - 1034 Wellington Street

- A staff report dated January 27, 2010 was submitted.
- Correspondence received in the Municipal Clerk's Office February 8, 2010 was submitted from Eric Versnick.

Mr. Mike Cowper, Development Technician, outlined the reasons why the Development Officer refused a request for variance from the right side yard setback of the Halifax Peninsula Land Use Bylaw to permit an addition to a single unit dwelling at 1034 Wellington Street, Halifax. Mr. Cowper explained that the variance request pertains to a proposed addition which will replace the garage, located on the right side of the house, and will be attached to the house and consist of a basement level, main level and second floor level.

Mr. Cowper advised that the variance was refused because the addition of two stories of habitable space 1.2 feet from the property line violates the intent of the land use bylaw of providing consistent neighbourhood aesthetic, while maintaining an adequate separation between neighbouring dwellings. He added that the difficulty experienced with regard to sideyard setbacks is general to the properties in the area. Mr. Cowper

noted that, as no construction has taken place, intentional disregard for the land use bylaw was not a consideration in refusing the variance.

Mr. Cowper responded to questions from Community Council.

Councillor Uteck referred to photographs in Mr. Cowper's presentation of various homes within the neighbourhood, and advised that she wanted it noted for the record that, although they look like single family homes, many of the houses are actually student housing.

Mr. Andrew Faulkener, Development Officer, addressed Community Council to clarify a point. He advised that once there is an addition that increases the volume of the structure, it loses its right for conversion from five to fourteen units.

The Chair reviewed the rules of procedure and opened the variance hearing.

Ms. Lisl Mayer addressed Community Council and advised that she was the property owner. She introduced Mr. Roeland Leenes, noting that he was the architect working on her renovations and would provide a presentation.

Mr. Leenes showed photographs of the area, noting that 200 metres up the street were high rise apartment buildings and further, there were a number of homes converted into apartments and student housing. He pointed out a property nearby on Inglis Street, noting that it was in violation of the bylaw. Mr. Leenes noted that he had a letter from builder and an engineer stating that the garage was built in the same era as the house, but that it probably predates the bylaw of 1950. He added that with the proposed addition, the 1.2 ft. existing sideyard will be maintained. With regard to the proposal, Mr. Leenes advised that it will remain as a single family dwelling, and the design will maintain the character of the house, and the garage will be enlarged with a family space above.

In closing, Mr. Leenes summarized his reasons why he believed the variance should be granted, as follows:

- there are multiple examples of nonconforming additions in the area
- the majority of properties are nonconforming
- Wellington Street is a mix of single and multi-family dwellings, as well as student housing
- the existing 1.2 ft. sideyard by the garage has probably been in existence since the house was constructed.

Ms. Meyer advised that her intent with the addition was to have an attached garage and a place to store her childrens' toys, and the space above would be a playroom for her children.

Mr. Eric Versnick addressed Community Council and advised that his objection with this proposal was not so much about the garage, but the additional components with the garage. He added that the height and length of the lateral view of the structure being that close to the property line will result in a view of a wall from the side windows of his house.

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

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

Speaking in support of her motion Councillor Uteck noted the amount of students living on the street, and advised that this proposal was a way of helping to keep a family in the area and the home as a single-family home.

Councillor Sloane noted that she supported the motion as it is in line with one aspect of HRM by Design, which is to keep families living on the Peninsula.

MOTION PUT AND PASSED.

8.2.2 Variance #15806 - 1122 Lucknow Street

This item was deleted from the agenda, as the appeal was withdrawn.

8.2.3 Variance #15799 - 5670 Morris Street

This item was deleted from the agenda, as the appeal was withdrawn.

8.2.4 Variance #15797 - 827 McLean Street

- A staff report dated January 27, 2010 was submitted.

Mr. Mike Cowper, Development Technician provided the staff presentation outlining the reasons why the Development Officer refused a variance for the left and right sideyard setbacks of the Halifax Peninsula Land Use Bylaw to accommodate an existing fireplace bump out on the left side and a proposed buffet bump out on the right side of a single unit dwelling at 827 McLean Street. In his remarks he noted that the required right setback is 4 feet and the refused variance is 2.7 feet; the required left setback is 4 feet, and the refused variance is 2.5 feet. Mr. Cowper advised that the two additions in close proximity to the property boundary line violate the intent of the Land Use Bylaw. Further, he added that most of the dwellings in the immediate neighbourhood meet the sideyard setback requirements, therefore, the difficulty experienced is general to the properties in the area. Mr. Cowper also advised that the fireplace was constructed without a permit, resulting in an intentional disregard from the requirements of the land use bylaw; however, the right sideyard buffet bump has not been constructed and, therefore, there's been no consideration of refusal based on these grounds.

There were no questions from Community Council.

Councillor Uteck made reference to the illegally constructed fireplace and advised that the homes in the area were constructed during the 1990's builders strike and this was not unusual, and there are many other similar issues associated with the other homes on the street. She also noted that the current owner, who could not attend this evening,

was not the property owner when it was built. Councillor Uteck submitted a letter on behalf of the owner, which stated that he was not able to attend the meeting as he was required to be in Ontario, and he was unable to change that appointment.

The Chair reviewed the rules of procedure and called three times for anyone wishing to speak. No one came forward to address Community Council.

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 be granted.

Speaking in support of her motion, Councillor Uteck pointed out that the abutting property owner has expressed no objection to the variance.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence:

9.1.1 HMCS/NCSM Halifax - Councillor Sloane

Councillor Sloane submitted e-mail correspondence dated February 4, 2010 from M.T.J. Kurtz Commanding Officer HMCS/NCSM Halifax in regard to the work that HMCS Halifax is carrying out in Haiti.

9.2 Petitions - None

9.3 Presentations: None

10. REPORTS:

10.1 Staff Reports:

10.1.1 Case 01295: Rezoning of 2692 Connaught Avenue, Halifax (First Reading and Schedule a Public Hearing)

- A staff report dated January 8, 2010 was submitted

MOVED by Councillor Watts, seconded by Councillor Uteck that Peninsula Community Council give First Reading of the proposed rezoning for 2692 Connaught Avenue, Halifax, and schedule a public hearing for Wednesday, March 3, 2010. MOTION PUT AND PASSED

10.1.2 Case 01240: Halifax MPS/LUB Amendment and Development Agreement - Gladstone Ridge, Halifax

- A staff report dated January 18, 2010 was submitted.

MOVED by Councillor Watts, seconded by Councillor Sloane that Peninsula Community Council:

- 1. Approve the proposed discharging agreement as contained in Attachment A of the January 18, 2010 staff report for Civic 2723-2737 Gladstone Street;**
- 2. Approve the proposed development agreement as contained in Attachment B of the January 18, 2010 staff report to allow for a 5 storey, mixed use commercial and residential building and two semi-detached dwellings;**
- 3. Require the agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Watts referred to page 13 of the staff report, section 2.10 (Parking, Circulation and Access) (b) (i) and indicated that she was aware that although it states 25 underground parking spaces, the intent was for 22. She questioned if there was any way that it could be left at 25 spaces. Councillor Watts explained that with further density in the area, it impacts on the on-street parking for the long time residents of the area.

Mr. Paul Sampson, Planner, noted that Mr. Danny Chedrawe was in attendance and could speak to this concern.

Mr. Danny Chedrawe, President of Westwood Developments Ltd. advised that originally there were 25 spaces allotted however, he was required to remove three in order to allow room for bike parking and for an area for garbage/composting/recycling. Mr. Chedrawe added that, on further review, he believed they would be able to put three spaces back without having to go to the second level of underground parking. Mr. Chedrawe noted that with regard to visitor parking, there is currently space available and when the new development is completed, there will be an additional 11 visitor parking spaces. He explained that recently there has been vandalism and the parking signs were removed, but more signs have been ordered and will be installed once the ground is suitable for installation.

Councillor Watts expressed her appreciation to Mr. Chedrawe for his offer to accommodate the extra three parking spots.

MOTION PUT AND PASSED.

10.2 Committee Reports: None

10.3 Members of Peninsula Community Council:

10.3.1 Councillor Sloane: Sport Policy

Information regarding Halifax Regional Municipality Sport Council was submitted from Councillor Sloane.

Councillor Sloane advised that a couple of weeks ago she attended a meeting regarding the Halifax Common and at that time frustration was expressed with sports and HRM (i.e. Midget and Bantam baseball). She indicated that in a meeting with Tim Reirden, the idea of a sports council or sports policy was discussed because it was felt that Halifax seems to be getting off track when it comes to prioritizing. Councillor Sloane noted that the priority used to be on children and youth, however, the Common seems to have been taken over by adult sports teams who use it on weekends.

MOVED by Councillor Sloane, seconded by Councillor Watts that staff provide a report on the idea of an HRM Sports Council.

Councillor Sloane, in moving the motion, asked that the information she submitted from Jamie Ferguson be forwarded to staff for review

MOTION PUT AND PASSED.

10.3.2 Councillor Watts: Economic Analysis of the Commons Concerts

Councillor Watts advised that the report was not ready for this meeting and requested that the item be deferred to the next meeting.

11. MOTIONS: None

12. ADDED ITEMS

12.1 Information Report dated January 8, 2010 entitled, Lounges Within Restaurants on Quinpool Road - Councillor Uteck

- An information report dated January 8, 2010 was before Community Council for consideration.
-

MOVED by Councillor Uteck, seconded by Councillor Sloane that Peninsula Community Council recommend that Regional Council approve area-wide amendments to the Halifax MPS and the Halifax Peninsula LUB to allow lounges in association with, but subordinate to restaurants through the development agreement process within the Commercial Designation of the Quinpool Road Commercial Area Plan.

Councillor Watts advised that this was a sensitive issue in the area, and noted for clarification that this was the beginning of a process to consider a change by Regional Council and through this process, which will involve a public information meeting, staff

report and public hearing, the criteria will be set for what the lounges would be like and their functions within the context of these amendments. She encouraged any residents that have concerns, to come out to the public information meeting, as well as talk with staff and councillors about their concerns.

MOTION PUT AND PASSED.

12.2 Case 01248: Amendments to the Halifax Municipal Planning Strategy/Development Agreement, Cedar Street In-fill, Halifax

- A staff report dated January 20, 2010 was before Community Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Peninsula Community Council

- 1. Move Notice of Motion to consider approval of the proposed Development Agreement contained in Attachment A of the January 20, 2010 staff report to allow for a development comprised of a two unit dwelling, a townhouse style residential dwelling, and a parking lot for surrounding residents, and schedule a joint public hearing with Regional Council.**
- 2. Recommend Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy as contained in Attachment B of the January 20, 2010 staff report and schedule a joint public hearing with Peninsula Community Council.**
- 3. Recommend that Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy as contained in Attachment B of the January 20, 2010 staff report.**

MOTION PUT AND PASSED.

12.3 Councillor Watts: North Common Plan - Update & Direction

Mr. Peter Bigelow, Manager, Real Property Planning provided a verbal update on the North Common Plan, as requested by Councillor Watts.

Mr. Bigelow advised that staff have consulted with various sports associations as well as carrying out consultation in regard to Canada Games, and a public open house was held in January. He added that staff are now collecting the comments from the public session and noted that the Plan is on the web and staff have invited the public to provide comment there as well, and this will close at the end of the month. Following this, staff will provide Council with a package of all the comments, and the comments will also be grouped into categories. Mr. Bigelow advised that staff would come back to Peninsula Community Council before going to Regional Council, probably in March.

Councillor Watts advised that at the public open house the main concern expressed was in regard to the concerts on the Common and that design and development of the Plan is meant to facilitate those concerts. She suggested that this needed further discussion as some of the residents that live along the border of the Common have said that after four concerts, the impact has been significant and problematic. Councillor Watts added it will be helpful in Council's decision making to receive the economic analysis of the concerts and that she did think any decision should be made until this report is received. She advised that it would also be helpful to include information in the report on who is making the decisions around the concerts, and when they are scheduled.

In response, Mr. Bigelow pointed out that Council gave direction to staff on how to proceed on a capital project for improvements to the Common which entailed that there would be concerts on the Common and associated costs to make them more concert-ready. He noted that at the open house the majority of attendees spoke about the concerts on the Common. Mr. Bigelow advised that once the report goes to Council and if Regional Council chooses to reopen this issue for debate, then the project will be set aside and Council could make a decision to re-engage on the question of where concerts are held.

Councillor Sloane suggested that the report should address if consideration is being given to other locations as possible concert venues.

Councillor Watts noted that some of the modifications made to the Common were designed to reduce crime. She questioned whether there was any analysis of crime statistics over the past 10 years in this regard.

Mr. Bigelow indicated that he would look into this matter.

In closing, Mr. Bigelow advised that staff intend to present their report to Regional Council in early March and, if at all possible, will try to preview it with Peninsula Community Council at its March 3, 2010 meeting.

13. NOTICES OF MOTION: None

14. PUBLIC PARTICIPATION

Mr. Danny Chedrawe addressed Community Council and advised that he was outraged with a comment he heard a couple of weeks ago from a Councillor during Regional Council's debate on tax reform. Mr. Chedrawe added that the comment was that 'tax reform would benefit the people living in mansions in downtown Halifax and that people living in trailer parks would pay more taxes'. Mr. Chedrawe suggested that it was ridiculous remark and that Council should correct such an inflammatory comment. He also expressed concern that Council did not vote to proceed with tax reform adding that the City is not running efficiently and that it was the average person who was paying for this inefficiency. Mr. Chedrawe noted that over his past 20 years of work in the City, he has contributed over \$5 million in taxes from his developments. By contrast he explained that developers outside the city would not be able to say the same thing, and that tax reform was supposed to expose this and over time would

balance things out for the people of the City. In closing, he advised that if tax reform is not dealt with, it is not the rich that will be impacted, but rather, the people who are struggling to work and raise a family in the City.

Ms. Peggy Cameron, Halifax, addressed Community Council with a concern about the North Common Plan. She advised that the 1994 Halifax Common Plan defined criteria for the use of the Halifax Common, but this Plan has largely been ignored. She questioned the funds used for concerts on the Common, and noted that there has been no proper analysis on the impact of the concerts. Ms. Cameron suggested that other venues should be given consideration for concerts and that funds for cultural spending could go toward the Art Gallery, the Library, or a permanent performance space.

Ms. Beverly Miller, Halifax, referred to Mr. Bigelow's remarks and noted that Community Council had requested an economic analysis at its December meeting and nothing has been received. In addition, she noted that Councillor Uteck had asked for information on the decision making in regard to the concerts on the Common. Ms. Miller expressed concern that staff were proceeding with a report to Regional Council and none of this information has been presented.

Mr. F. Brouwer, Halifax addressed Community Council and spoke about the use of the Common. He noted that with excessive subsidies given for the concerts, it was important to keep in mind that public who attends, pays a large amount for their tickets. Mr. Brouwer advised that the Common should be used for the public good, and for the everyday use for recreation, sports and for the welfare of the residents.

15. NEXT MEETING - March 3, 2010

The Chair announced that the next meeting had been rescheduled from March 8, 2010 to March 3, 2010 in order to accommodate the District Boundary Committee public presentation.

16. ADJOURNMENT

The meeting adjourned at 8:28 p.m.

Sheilagh Edmonds
Legislative Assistant

INFORMATION ITEMS

1. Information Report dated January 8, 2010 entitled, Lounges Within Restaurants on Quinpool Road.