

# **HALIFAX REGIONAL MUNICIPALITY**

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## **PENINSULA COMMUNITY COUNCIL MINUTES OCTOBER 4, 2004**

### **PRESENT:**

Councillor Sue Uteck, Chair  
Councillor Dawn Sloane  
Councillor Sheila Fougere (7:15 p.m.)  
Councillor Jerry Blumenthal

### **STAFF:**

Barry Allen, Municipal Solicitor  
Ms. Sherryll Murphy, Legislative Assistant

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**1. CALL TO ORDER**

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

**2. APPROVAL OF MINUTES**

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the minutes of the meeting of Peninsula Community Council held on September 13, 2004, as distributed, be approved.**

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

There were no added items.

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet**

**4.1.1 Petition- Councillor Fougere - Fence at 2918/2920 and 2929 Connolly Street**

No update was received. This matter is to remain on the status sheet.

**4.1.2 Public Participation - Mr. Eric Turner - Public Participation Process**

No update was received. This matter is to remain on the status sheet.

**4.1.3 Correspondence from Mr. Stuart Grossert, Questions re 6199 Coburg Road**

- Correspondence dated September 10, 2004 from Mr. Steven Higgins to Mr. Stuart Grossert was before the Committee for consideration.

Councillor Uteck advised that Mr. Grossert had contacted her to request that this matter remain on the status sheet until such time as he has had an opportunity to review in detail the letter.

**5. MOTIONS OF RECONSIDERATION - None**

**6. MOTIONS OF RESCISSION - None**

**7. CONSIDERATION OF DEFERRED BUSINESS - None**

As Councillor Fougere was expected but not yet present, Community Council agreed to consider the following agenda items at this time:

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**10. REPORTS**

**10.1 Case 00572: Amendment to Halifax MPS - Height Precincts, South End**

- A report from Beverly Miller, Vice-Chair, District 12 Planning Advisory Committee, was before Community Council for consideration.

Angus Schaffenburg, Planner, briefly reviewed the report and noted the recommendation is that Regional Council schedule a public hearing to consider the proposed amendments to the Halifax Municipal Planning Strategy.

**MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Regional Council:**

- 1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law, as they apply to District 12, as contained in Attachment A and B of the staff report dated August 10, 2004 and schedule a public hearing.**
- 2. Approve the amendments to the Halifax Municipal Planning Strategy as contained in Attachments A and B of the staff report dated August 10, 2004.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

At this point in the meeting, Councillor Fougere took her seat in Community Council.

**8. HEARINGS**

**8.1 Public Hearings**

**8.1.1 Case 00607: Development Agreement - Thomas Keddy House, 1390 Thornvale Avenue, Halifax**

- This matter received First Reading at the September 13, 2004 meeting. A previously circulated staff report dated August 12, 2004 was before Community Council for consideration.
- Correspondence dated September 28, 2004 from Alan V. Parish, President, Heritage Trust of Nova Scotia, was before Community Council for consideration.

Ms. Randa Wheaton, Planner, briefly reviewed the request by Thornvale Estates Limited for a development agreement at 1390 Thornvale Avenue in Halifax. The development agreement would permit eight residential units including an addition to the the Thomas Keddy House and a single detached dwelling. It would also allow for the creation of Lots 1 to 4 inclusive, as found on the Site Plan attached to the August 12, 2004, and the subsequent deregistration of lots 2, 3 and 4.

Ms. Wheaton indicated that staff is recommending approval of this proposal. She went on to explain that the property is both a provincially and municipally registered heritage property. Consequently, approval by Halifax Regional Council of the substantial alteration to the registered heritage property will be required and finally, Provincial Cabinet approval will also be required.

In response to a question from Councillor Sloane as to whether the process outlined is typical (i.e. municipal approval prior to provincial approval), the Chair indicated that the Province wants municipal input before making a decision.

Following a further brief questioning, the Chair called for persons wishing to speak in favour of or against the proposal.

**Lawnsdale Holland, Halifax**

Mr. Holland addressed Community Council indicating that he had not been in favour of a similar proposal relating to the Jubilee Boat Club condominiums. He went on to point out that he was not in favour of this proposal and noted that the new proposal is not in keeping with the R-1 uses in the area.

**Alan Parish, President of Heritage Trust Nova Scotia**

Mr. Parish addressed Community Council noting that the Thomas Keddy House and property was very special. Mr. Parish went on to comment regarding:

- the Keddy family and other prominent families who had lived on the property
- the architecture of the house
- that the grounds encompassed 2.7 acres, included mature trees and was on the water
  
- that there are no other similar estates left in Halifax
- Thornvale was registered as municipal heritage property in 1982
- it was later registered as a Provincial heritage property
- this proposal will be the end of the property as it exists
- the back area of the property is especially special
- the estate feeling of the property needs to be maintained
- the Heritage Trust does not agree that the proposal is consistent with Section 6.8 of the Municipal Planning Strategy

Concluding his remarks, Mr. Parish asked Community Council to reject the development agreement.

**Elizabeth Pacey, Halifax**

Ms. Pacey addressed Community Council commenting that:

- the site is historically important and significant architecturally
- the property is considered “important” under the Federal Government heritage evaluation (“important” meaning that the site has Provincial or greater significance)
- the building conservation standards that the HRM Council use for judging substantial alterations are not mentioned in the staff report

Ms. Pacey went on to review with Council the building conservation standards and, in conclusion, stressed that Council’s own guidelines should be adhered to and the proposal rejected.

**A representative of Kassner Goodspeed Architects**

A representative addressed Community Council noting that the property was to be restored to it’s original glory under the proposal. She went on to provide the details of the restoration work including the replacement of the back porch with a previously lost wrap around porch. Note was made that although the addition was smaller in scale than the original building, the detail will be similar. Parking will be accommodated in an inset carriage house. A wharf and boathouse structure similar to one that existed many years ago will be built to replace the existing wharf. In conclusion, Kassner Goodspeed Architects believe that the proposal maintains the beauty of the property.

Councillor Sloane confirmed that Kassner Goodspeed had considered the conservation standards when designing the proposal.

**Hugh Pullen, Halifax**

Mr. Pullen addressed Community Council expressing concern regarding who would live on the property and pay the taxes if this development were not approved. Mr. Pullen suggested that the development was reasonable and that there is precedent for apartment buildings in R-1 zones on the Peninsula.

**Blair Bead, Halifax**

Mr. Bead addressed Community Council noting the following:

- he has an interest in seeing Halifax develop in a manner which is good for Halifax
- when an estate is registered as an estate it has to be maintained
- other heritage sites have been developed in a less than desirable manner
- he is disappointed that the Federal Government did not require that this property be developed as R-1
- he believes this property could be developed in a much nicer manner by someone who would consider options which take into account the uniqueness of the site rather than just one big block of apartment or condos.

**Danny Chedrawe, Thornvale Estates**

Mr. Chedrawe addressed Community Council noting the following:

- at one time this estate included all the lands from the Waegwoltic to South Street
- since that time the lands have been subdivided down to 2.7 acres
- estate properties in the area have been developed for R-1 use, thereby losing the estate flavour
- the proposed development will preserve and restore the existing estate home and include the restoration of the original porch
- the new addition will be compatible with the historic home
- trees will continue to dot the acres
- at the outset Thornvale had worked with Nova Scotia Heritage Trust and the development before Community Council was the result of a joint effort
- part way through the process, the general membership of the Nova Scotia Heritage Trust vetoed the whole project
- he does not view the property as a museum piece, and believes the proposal before Community Council tonight is a very sensitive approach
- if he had subdivided the property into six lots, he would have realized a much greater profit



In response to questions from Councillor Sloane, Mr. Chedrawe noted that the historical significance of the interior was to be restored and that the piece which is to be added will allow for such modern requirements as elevators and appropriate exits.

**Peggy Weld, Halifax**

Ms. Weld indicated that she was very concerned that the proposal was out of scale with the neighbouring properties. She went on to indicate that she objected very strongly to the development.

**Gary Bliss, Halifax**

Mr. Bliss addressed Community Council noting that he was strongly opposed to other than R-1 development on this property. He went on to note that this decision could set a dangerous precedent for the future of the North West Arm. Concluding his remarks, Mr. Bliss noted that this is a heritage property and must be given careful consideration.

The Chair noted that the developer could create six R-1 lots on this property as of right.

**Gordon Weld, Halifax**

Mr. Weld addressed Community Council indicating that the boathouse which is proposed extends out into the water and is out of scale with the existing boathouse. He indicated that he believed it should be pulled back to the seawall. Mr. Weld went on to express concern with the scale of the residence noting that although it was in keeping with the scale of Thornvale, it was out of scale with the existing homes. He suggested that the scale of the residence be reduced.

In response to a concern regarding the proposed deck column overlapping a sewer easement, Councillor Uteck advised that HRM now permits such overlaps of its easement. However, if there is a need to dig up the easement, the cost of any reconstruction is borne by the property owner.

**Peter Camfield, Halifax**

Mr. Peter Camfield addressed Community Council urging that the R-1 designation of his community be retained. Mr. Camfield indicated that he did not believe the proposed development would enhance his community.

**Lee Harwood, Halifax**

Mr. Harwood addressed Community Council indicating that he would like to see the restoration completed. He further noted that if there was to be more density, he would rather this be accomplished in one building rather than many. Mr. Harwood commented that he admired the landscaping of the property and that he was in favour of the proposal.

The Chair called three times for persons wishing to speak in favour of or against the proposal. Hearing none, the following motion was placed:

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

Following a further brief discussion, it was **MOVED by Councillor Fougere, seconded by Councillor Blumenthal that Peninsula Community Council :**

- 1. Approve the draft Development agreement, presented as Attachment "A" of the August 12, 2004 staff report, for 1390 Thornvale Avenue, Halifax, to permit a residential development**
- 2. Require that the development 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, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Following a brief discussion it was **MOVED by Councillor Sloane that the decision with regard to this matter be deferred pending an opportunity for the developer and Heritage Trust making a further attempt to reach a compromise relative to the development of this property.**

As there was no seconder, the **MOTION WAS LOST.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.1.2 Case 00683: Development Agreement for Warehouse, 7111 Chebucto Road, Halifax**

- This matter was given First Reading at the meeting of Peninsula Community Council held on October 4, 2004.

Angus Scaffenburg, Planner, briefly reviewed with Community Council the application by Terrain Group Inc., on behalf of Loblaw Properties Limited, to allow for a warehouse by development agreement at 7111 Chebucto Road.

Councillor Fougere noted that concern was expressed during the public meeting regarding traffic circulation in the area. She went on to ask if, since this development is so close to the rotary, any type of traffic study had been undertaken. The Councillor requested that staff report in this regard.

Following a further discussion, the Chair called for persons wishing to speak in favour of or against the proposal.

**Kate Green, Terrain Group Inc.**

Ms. Green addressed Community indicating that Terrain Group Inc. had worked closely with HRM to change the curb radius and to move the driveway back so that it could accommodate more traffic. She indicated that the proposed warehouse was overall an improvement over the existing building as it has been moved back from the road and parking has been stalled away from the right of way.

Ms. Green responded to questions from members of Council.

The Chair called three times for persons wishing to address Council in favour of or opposed to the proposal.

Hearing none, the following motion was placed.

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Fougere, seconded by Councillor Sloane that Peninsula Community Council:**

- 1. Approve the development agreement for a warehouse at 7111 Chebucto Road, as set out in Attachment "A" of the August 31, 2004 staff report, with the addition of appropriate wording to ensure that the curb to sidewalk is accessible in a manner similar to what is now the standard in the downtown of Halifax.**
- 2. Require that the development 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, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

3. Request that Traffic Services report with regard to the impact of this development given the proposed changes to Chebucto Road in conjunction with the rotary.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.1.3 Case 00645 : Rezoning from R-2 General Residential to R-1 Single Family Dwelling Zone - Area Bounded by MacDonald Street, Chebucto Road, the Rear Lots Fronting the East Side of Quinn Street and Quinpool Road**

- This matter was given First Reading at the September 13, 2004 meeting of Halifax Regional Council.

Mr. Angus Schaffenburg, Planner, reviewed the proposal set out in the September 2, 2004 staff report to rezone from R-2 General Residential to R-1 Single Family Dwelling, the area bounded by MacDonald Street, Chebucto Road, the rear of the lots fronting on the east side of Quinn Street and Quinpool Road. Mr. Schaffenburg noted that staff was recommending that Community Council approve the proposal.

In response to a question regarding non-conforming use rights, Mr. Schaffenburg indicated that a commercial property which is 75% destroyed must be re-built as R-1, however, a residential use may be re-built to the same use.

**Eric Turner, Halifax**

Mr. Turner addressed Council indicating that he would like a clarification regarding Mr. Schaffenburg's comments relative to the non-conforming property rights. Mr. Turner went on to speak in opposition to the proposal. A copy of his presentation is on file.

At the request of Councillor Blumenthal, Mr. Allen advised that under new legislation he believed that if a non-conforming residential property was 75% destroyed it could be re-built to the existing use.

**Bev White, Halifax**

Ms. White addressed Community Council indicating that she is very pleased with this proposal to zone the area R-1. She also noted that it was her understanding that most of the neighbourhood was in favour of the proposal.

**Alex Fetus, Halifax**

Mr. Fetus addressed Community Council suggesting that the neighbourhood would eventually be completely changed if this rezoning is not approved. He commented that he had not bought in this area only to see all the homes converted to multiple dwellings. Mr. Fetus indicated that the proposed rezoning was an attempt to achieve a balance and not to deprive anyone of their rights.

**Max Caspter, Halifax**

Mr. Caspter indicated that he had lived in the area for a number of years and had yet to see a multiple unit dwelling bought and converted into a single family dwelling. Mr. Caspter indicated that he has seen the reverse many times. He went on to express concern that if the area is not rezoned to R-1, there will be a decline in the community. Mr. Caspter indicated that he was in favour of the rezoning.

**Cary Bollivc, Halifax**

Mr. Bollivc advised that he liked the neighbourhood as it was now. For the most part it is an owner occupied, single family dwelling neighbourhood. He went on to indicate that he was very much against the conversion of single family dwellings to multiple unit dwellings. In conclusion, Mr. Bollivc implored Community Council to look favourably on the rezoning of his neighbourhood.

The Chair called three times for persons wishing to address Council in favour of or against the proposal.

**MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Fougere, seconded by Councillor Sloane that Peninsula Community Council approve the proposed rezoning of the area bounded by MacDonald Street, Chebucto Road, the rear of the lots fronting on the east side of Quinn Street and Quinpool Road, excluding 6833-35 Quinpool Road, from R-2 General Residential Zone to R-1 Single Family Dwelling Zone, as contained in Attachment A of the September 2, 2004 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Variance Hearings**

**8.2.1 Appeal of the Development Officers decision to approve a variance at 6467 Chebucto Road**

- A staff report dated September 28, 2004 submitted by Steven Higgins, Development Officer, was before Community Council for consideration.

Mr. Higgins briefly reviewed the September 28, 2004 staff report regarding the appeal of the Development Officer to approve a variance from the frontage and area requirements of the Land Use By-law. This variance would allow the demolition of the existing building at 6467 Chebucto Road and the construction of a new building containing four residential units and ground floor commercial.

Mr. Higgins went on to indicate that staff is recommending that Community Council uphold the decision of the Development Officer.

The Chair called for persons wishing to speak in favour of or against the proposal.

**Lorna Kennedy and Brennen Tobin, Appellant**

Mr. Tobin addressed Community Council noting that:

- the variance is from both the street frontage and lot area
- the variance will allow for a very large building which will change the feel of the community
- the variance is not a minor variance
- relaxation of the Land Use By-Law will completely undermine the historical significance of streetscape
- garbage is already a problem at this building and the addition of these units may only exacerbate that problem
- he and Ms. Kennedy were not properly notified and as a result were granted a two week extension
- he has become aware of a second resident who was not properly notified
- the September 28, 2004 report was not provided to him and, therefore, he is not fully informed

- the requirements of the Municipal Government Act have not been met
- a very large 35 foot building will be located six feet from their property line with windows looking down on the backyard
- the privacy will be non-existence
- attempts to address with the owner the privacy of their backyard were unsuccessful
- he is concerned regarding traffic and safety on the street

After conferring with the Solicitor and Mr. Higgins, the Chair advised that she was satisfied that the members of the public who should have been notified are present this evening and that the hearing would continue.

**Linda Felix Curstead, Halifax**

Ms. Felix addressed Community Council and indicated that she had not been notified of the hearing and that she was very concerned that the variances were not small. Ms. Felix indicated that a very large building is being rammed into an area and does not fit with the area. Ms. Felix urged Community Council to consider this matter carefully before approving the variances.

**Barbara MacKenna, Halifax**

Ms. MacKenna, on behalf of Mr. John Doucet, J. P. Raj, and Scott Hidgins, addressed Community Council indicating that she and the residents she named, are in opposition to this variance.

**Ms. Lorna Kennedy, Halifax**, submitted a plot plan illustrating the size of the proposed building.

**Mr. Peirre Jade, Halifax**

Mr. Jade addressed Community Council indicating that he was a partial owner of the property and that the issue for the adjacent property owners was one of privacy. Mr. Jade noted that the abutting property owners wanted more than a fence, they wanted a deck. He went on to use a photo to illustrate what the area presently looked like and what the owners had requested. Mr. Jade went on to note that he had attempted to advise each neighbour of what was happening prior to the notice of hearing being sent.

**John Layman, Dexell Construction**

Mr. Layman addressed Council noting the following:

- the property is zoned C-2A Minor Commercial which allows R-1, R-2, R2T and C-1 use

- a minor variance application was made on behalf of the owners which was appealed by one of the affected residents
- a large commercial warehouse could be located on the site as of right
- privacy is the issue for the appellants
- attempts have been made to work through this issue with the appellant
- the appellants want a fence and want to expand their private deck at the cost of the developer
- the appellants agreed to remove their appeal if these requests were met
- the appeal process should not be used as a bargaining chip to build decks or fences

The Chair called three times for persons wishing to address Council in favour of or against the proposal. Hearing none, it was **MOVED by Councillor Fougere, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

Following a brief discussion, it was **MOVED by Councillor Fougere, seconded by Councillor Sloane that the decision of the Development Officer be upheld and the appeal denied. MOTION PUT AND PASSED UNANIMOUSLY.**

## **9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

### **9.1 Correspondence**

This matter was dealt with earlier in the meeting.

### **9.2 Petitions**

This matter was dealt with earlier in the meeting.

## **10. REPORTS**

### **10.1 Case 00572: Amendment to Halifax MPS - Height Precincts, South End**

This matter was dealt with earlier in the meeting.

**11. MOTIONS** - None

**12. ADDED ITEMS** - None

**13. NOTICES OF MOTION** - None



**14. PUBLIC PARTICIPATION**

**Mr. Eric Turner, Halifax**

Mr. Turner requested written clarification of the re-build clause relative to non-conforming use should a property be completely destroyed by fire.

Mr. Turner further noted that one of the speakers this evening had indicated there was a six unit building built on Quinn Street which is an R-2 zone, and asked why this would be allowed.

**Hugh Pullen, Halifax**

In response to a question from Mr. Pullen regarding item 10.1, the Clerk advised that the outcome of this matter was a recommendation to Regional Council. Mr. Pullen further clarified that the Development Agreement for Thornvale had been approved.

**15. NEXT MEETING**

The next meeting of Peninsula Community Council will be held on Monday, November 8, 2004.

**16. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:20 p.m.

Sherryl Murphy  
Legislative Assistant