

**PENINSULA COMMUNITY COUNCIL
MINUTES
September 11, 2006**

PRESENT: Councillor Sheila Fougere, Chair
Councillor Patrick Murphy
Councillor Dawn Sloane
Councillor Sue Uteck

STAFF: Ms. Kirby Grant, Legal Counsel
Ms. Jennifer Weagle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. in Council Chambers, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES - None

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

MOVED BY Councillor Sloane, seconded by Councillor Murphy, that the agenda, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Uteck arrived at 7:01 p.m.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Public Participation - Temporary Sidewalk on Cunard Street

No information received. This item to remain on the status sheet.

4.1.2 Case 00912: Proposed Telecommunication Equipment and Shed, 3792 Novalea Drive, Halifax

No information received. This item to remain on the status sheet.

4.1.3 Email dated July 4/06 re: Re-zoning Robie/Chestnut/Coburg/Jubilee

No information received. This item to remain on the status sheet.

4.1.4 Case 00815: Halifax MPS and LUB Amendments and Development Agreement, 6193 Young Street, Halifax

No information received. This item to remain on the status sheet.

4.1.5 Correspondence from Westmoor Co-Op Ltd. dated March 4, 2006 re: Kenneth Walker Field

No information received. This item to remain on the status sheet.

4.1.6 Harvey Street Parking Lot - Townhouses

No information received. This item to remain on the status sheet. A status update was requested from staff on this matter for the next meeting of Peninsula Community Council.

4.1.7 Closure of HRM Private Lane - June Street to Princess Place

No information received. This item to remain on the status sheet.

4.1.8 CN Property Maintenance

No information received. This item to remain on the 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 Appeal Hearings

8.2.1 Case No. 13178: Appeal of the Development Officer's decision to refuse an application for a Variance - 1377 Robie Street, Halifax

C A supplemental report dated September 6, 2006 and a staff report dated July 10, 2006 on the above noted were before Community Council.

Councillor Uteck advised that it has been brought to her attention that there was a complaint made against her with regard to this variance appeal. She indicated that while she defends her position she excuses herself from this matter and took a seat in the gallery.

Mr. Andrew Faulkner reviewed the July 10, 2006 and September 6, 2006 reports with Community Council, noting that this is an appeal of the Development Officer's refusal of a variance from the Angle Control requirements of the Halifax Peninsula Land Use Bylaw to permit construction of a 49 unit dwelling with rental office.

Mr. Faulkner responded to questions of clarification of Community Council.

Councillor Fougere opened the appeal hearing and called for speakers.

Mr. Tyler Lipsett, Geoff Keddy & Associates

Mr. Lipsett advised that he appears before Community Council as a representative of the architect of this proposed development. Mr. Lipsett advised that this hearing is specifically about relaxation of angle controls. Mr. Lipsett commented that he is of the opinion that the building is of a simple, classic design that will be a signature building, which fits within the surrounding properties. He indicated he has received overwhelming support from residents and colleagues. The design will include manicured gardens and a rooftop terrace with views of the city. Mr. Lipsett commented that the additional space from the relaxation of angle controls will add to the building and will respect open space requirements.

Mr. John Prince, Halifax

Mr. Prince advised that he resides across the street from the proposed building. He indicated that he is not pleased with the height of the building in relation to the surrounding buildings, and that the proposed 49 units will add to the already high density of the area. Mr. Prince commented that there are only 20 to 25 parking spaces proposed for 49 units and parking is already insufficient in this area. He also noted that mature trees will be lost through the construction of the building. Mr. Prince commented on the increasing vacancy rates of rental units in Halifax.

Ms. Brianna Fellace, Halifax

Ms. Fellace advised that she lives adjacent to the proposed development, where she has rented for the past two years. She commented on the residential nature of the area, the heritage quality of the surrounding homes, and the light in her apartment that will be lost with the construction of the proposed development.

Ms. Michelle Houchely, Halifax

Ms. Houchely advised that she also resides adjacent to the proposed development, and she believes the residents of surrounding properties will be negatively impacted by its construction.

Ms. Sarah Fillmore, Halifax

Ms. Fillmore advised that she and her husband reside in a home which has been in her husband's family for 35 years, adjacent to the proposed development. She indicated that her home and other surrounding homes will be overshadowed by the size of the proposed development and that seven mature trees will be removed by the construction. She further

indicated that parking is already a concern in the area. Ms. Fillmore commented that she believes that granting a variance should be under special circumstances, and that she does not view the proposed development as a special building.

Ms. Diana Doulton, Chair, St. Andrews United Church

Ms. Doulton advised that she is the Chair of the St. Andrews United Church, which is near the proposed development. Ms. Doulton indicated that church parking is limited to six spaces for staff members, and elderly and other regular attendees currently have trouble parking near the church. She noted that allowing another 49 units on the street will complicate this problem further. Ms. Doulton commented that by-laws are in place for a purpose, and this variance goes beyond that purpose.

Mr. Alan Hayman, Halifax

Mr. Hayman advised that he is the owner of an apartment building adjacent to the proposed development. Mr. Hayman indicated that he had appealed the original variance application, but withdrew his appeal to allow the development to go forward. He is now addressing Community Council in support of the denial of the second variance application. Mr. Hayman advised that he had met with the architect to attempt to resolve the issue, without resolution. He commented that he believes this is a substantial variance with a negative impact on his and other surrounding properties. Mr. Hayman noted that the proposed development will be built ten feet from his property line and the proposed garage entrance will be built up to his property line. He noted that his apartment building is only three stories high and houses sixteen people on a lot larger than the subject property. The proposed development will house approximately 75 people and will be six stories high, on a smaller lot. Mr. Hayman commented that the proposed development will deprive his building of sunlight and the variance of the angle controls will only benefit the applicant, to the expense of his residents and surrounding neighbours. He indicated that the Development Officer is the expert on this matter and Community Council should trust his judgment and uphold his decision to deny the variance application.

Mr. Hayman submitted a letter to Community Council from a recent resident of his apartment building, in support of the denial of the variance application.

Mr. Darrel Dixon, Halifax

Mr. Dixon submitted correspondence from his employer, J. P. Shannon Realty, which is managed by Atlantic Premises Management, authorizing him to speak on their behalf. Mr. Dixon advised that J. P. Shannon Realty is the owner of a rental building adjacent to the subject property. He advised Community Council that he had met with the Development Officer when the original variance application was applied for. He discussed the Development Officer's decision to approve the original variance application, and accepted his decision. Mr.

Dixon advised that he has since been out of the country and just learned of the second variance application. He commented that the variance application allows too much freedom to the developer and should require a Development Agreement or a plan amendment. Mr. Dixon indicated that his company and residents support the Development Officer's decision to deny the variance application, which would negatively affect neighbouring residents.

Councillor Fougere called three times for any further speakers in favour or against the application.

Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Murphy, that the appeal hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Sloane, seconded by Councillor Murphy, that the decision of the Development Officer to refuse the variance application be upheld.

Councillor Sloane encouraged the property owner and staff to work together to develop a proposal that better works with the neighbourhood.

Mr. Faulkner provided clarification to further questions of Community Council.

MOTION PUT AND PASSED.

Councillor Uteck returned to her seat in Council.

8.2.2 Case No. 13201: Appeal of the Development Officer's decision to refuse an application for a Variance - 6266 London Street, Halifax

C A staff report dated August 29, 2006 on the above noted was before Community Council.

Mr. Andrew Faulkner reviewed the report with Community Council, noting that this is an appeal of the Development Officer's decision to deny a variance from the Gross Floor Area Ratio (GFAR) requirements of the Halifax Peninsula Land Use Bylaw to permit an addition to a single unit dwelling. Mr. Faulkner clarified the following:

- C The intention of this application is for an addition to a single family home to replace the kitchen and add one bedroom, to accommodate a large family,
- C Staff currently have no authority to vary the number of bedrooms in a single family home, which is the reason for the rejection of the variance application, due to GFAR requirements,
- C The words "refuse" and "approve" in Alternatives # 1 and 2 on page five of the appeal report are in error and should be reversed.

Councillor Uteck clarified that the difficulty experienced relative to the GFAR regulations are general to properties throughout the peninsula. She commented that these regulations were brought in to place to discourage “monster” homes, to improvements to single family homes.

Councillor Fougere opened the appeal hearing and called for speakers.

John Newton, Halifax

Mr. Newton advised that he and his wife are the owners and residents of the subject property, and introduced his wife and six children in the gallery. Mr. Newton submitted a copy of his presentation to Community Council, a petition with 12 signatures from neighbours in support of the proposed variation application, and a letter of support from a neighbour. He advised that his family have been residents of the home for 20 plus years and that his children attend four different educational institutions, all within walking distance of their home. Mr. Newton commented that his family is growing and require more space. He reviewed diagrams and photographs of the existing home and proposed modifications, noting that currently the home only has four proper bedrooms for eight people. Mr. Newton further indicated that the character of the neighbourhood will not suffer with the construction of the addition, and that his family have no intention to sublet or rent rooms. He advised that when his architect contacted the Planning and Development office in May, there was no mention of GFAR regulations.

Councillor Fougere called three times for any further speakers in favour or against the application.

Hearing none, it was **MOVED by Councillor Uteck, seconded by Councillor Sloane, that the appeal hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

At this time, Councillor Sloane assumed the Chair and Councillor Fougere took a seat in Council.

MOVED by Councillor Fougere, seconded by Councillor Murphy, that the decision of the Development Officer to refuse the variance application be overturned.

Councillor Fougere indicated that the purpose of the GFAR regulations is not to discourage improvements to single family dwellings. She noted the importance of keeping the stability of neighbourhoods and indicated that this is the third family in a similar situation to come before Peninsula Community Council with variance applications because of the GFAR regulations.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Fougere resumed the Chair and Councillor Sloane took her seat in Council.

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 District 12 PAC Reports - None

11. MOTIONS - None

12. ADDED ITEMS - None

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION - None

15. NEXT MEETING

The next regularly scheduled meeting of Peninsula Community Council is scheduled for October 2, 2006.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

Jennifer Weagle
Legislative Assistant