

**PENINSULA COMMUNITY COUNCIL  
MINUTES**

**February 11, 2008**

**PRESENT:**

Councillor Patrick Murphy, Chair  
Deputy Mayor Sue Uteck, Vice-Chair  
Councillor Dawn Sloane  
Councillor Sheila Fougere

**STAFF:**

Ms. Roxanne McLaren, Solicitor  
Ms. Barbara Cameron, Legislative Assistant  
Ms. Jennifer Weagle, Legislative Assistant

**TABLE OF CONTENTS**

1.	CALL TO ORDER .....	4
2.	APPROVAL OF MINUTES - November 5, 2007 .....	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	4
4.	BUSINESS ARISING OUT OF THE MINUTES .....	4
4.1	Status Sheet .....	4
4.1.1	Neighbourhood Downzoning .....	4
4.1.2	Deputy Mayor Uteck - Review of Gross Floor Area Ratio Requirements	4
4.1.3	Presentation - Halifax Peninsula Community Health Board .....	5
4.1.4	Mitchell's Enviro Depot update .....	5
4.1.5	CN Property Maintenance .....	5
5.	MOTIONS OF RECONSIDERATION - None .....	5
6.	MOTIONS OF RESCISSION - None .....	5
7.	CONSIDERATION OF DEFERRED BUSINESS .....	5
8.	HEARINGS .....	5
8.1	Public Hearings - None .....	5
8.2	Appeal Hearings .....	5
8.2.1	Appeal of the Development Officer's decision to deny an application for a Variance - 6455 London Street, Halifax .....	5
8.2.2	Appeal of the Development Officer's decision to refuse a variance - 6130 Allan Street, Halifax .....	7
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS .....	9
9.1	Correspondence - None .....	9
9.2	Petitions - None .....	9
9.3	Presentations - None .....	9
10.	REPORTS .....	9

10.1	Staff Reports - None .....	9
10.2	Committee Reports .....	10
10.2.1	District 12 Planning Advisory Committee - Case 00897 - Heritage Development Agreement - Gerrard Lodge, 1234 Barrington Street, Halifax .....	10
10.3	Members of Peninsula Community Council	
10.3.1	Councillor Fougere - By-law Regulations respecting the Keeping of Fowl .....	10
10.3.2	Councillor Uteck - Beaufort Avenue/Regina Terrace Construction .....	11
11.	MOTIONS - None .....	11
12.	ADDED ITEMS .....	11
13.	NOTICES OF MOTION .....	12
14.	PUBLIC PARTICIPATION .....	12
15.	NEXT MEETING - March 3, 2008 .....	14
16.	ADJOURNMENT .....	14

**1. CALL TO ORDER**

The meeting was called to order at 7:01 p.m. in the Council Chamber, 3<sup>rd</sup> Floor, City Hall.

At the request of Councillor Fougere, Community Council held a moment of silence for Councillor Gary Martin, who passed away February 10, 2008.

**2. APPROVAL OF MINUTES - January 14, 2008**

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that the minutes of January 14, 2008 be approved as distributed. MOTION PUT AND PASSED.**

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

Additions:

- 12.1 Case 00930 - MPS and LUB Amendment/Development Agreement for 6955 Bayers Road, Halifax
- 12.2 Personnel Matter - Appointment to District 12 Planning Advisory Committee
- 12.3 Personnel Matter - Appointment to Halifax Watershed Advisory Board
- 12.4 Councillor Sloane - Peninsula Place Flooding

**MOVED BY Councillor Fougere, seconded by Councillor Uteck that Case 00930 - MPS and LUB Amendment/Development Agreement for 6955 Bayers Road, Halifax be deferred until March. MOTION PUT AND PASSED.**

**MOVED BY Councillor Sloane, seconded by Councillor Fougere, that the order of business be approved as amended. MOTION PUT AND PASSED.**

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

**4.1 Status Sheet**

**4.1.1 Neighbourhood Downzoning**

Councillor Uteck requested that this ongoing matter remain on the status sheet.

**4.1.2 Review of Gross Floor Area Ratio Requirements**

Councillor Uteck requested that this ongoing matter remain on the status sheet. The report has been received in this matter.

#### **4.1.3 Presentation - Halifax Peninsula Community Health Board**

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

#### **4.1.4 Mitchell's Enviro Depot update**

Councillor Sloane noted that this property has been sold but requested this matter to remain on the status sheet until the transaction is complete.

#### **4.1.5 CN Property Maintenance**

Councillor Fougere noted that Annette Verge, Coordinator, Deputy CAO Operations, is now the staff contact for CN Property matters.

Councillor Uteck requested that this ongoing matter 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 **Appeal of the Development Officer's decision to deny an application for a variance - 6455 London Street, Halifax**

C A staff report dated January 28, 2008 on the above-noted matter was before Community Council.

C A submission from the appellant was before Community Council.

Brenda Seymour, Development Technician, advised that this is an appeal of the Development Officer's decision to deny a variance for lot area, lot frontage and the side yard setback requirements of the Halifax Peninsula Land Use Bylaw to convert from a two unit dwelling to a

three unit dwelling. Ms. Seymour reviewed the staff report with Community Council.

The Chair opened the floor for those wishing to speak for or against the appeal.

**Roger Brush, 6451 London St. Halifax, NS** - co-owner with wife of house and property next door since November 97. When they bought the house they were unaware of neighbouring property housing 3 units. Ms. Marjorie Burton rented out these units for additional income and help with chores. Ms. Burton later moved to an apartment. New owner/occupants purchased the property with the intent to rent, then sold. Previous owners were good and garbage was collected, snow shovelled and general maintenance was carried out in timely fashion. Previous owners also cooperated on fencing needs. Mr. Brush told Community Council that he and his wife received a letter from the new owners indicating their plans for the units. While this is all good, historically, there has been high turnovers of renters leading to the uncertainty of the long term state of building. Should the current owners win the variance and later wish to sell, the new owners would more likely to continue the property as rental units. Although granting the variance would be beneficial to the new owners it would be detrimental to the value of neighbouring properties. Mr. Brush wished to see the appeal rejected.

**Francine Sampson, 6455 London Street, Halifax NS** - Ms. Sampson, along with Jonathan Comeau, are the current owners of the property in question. After they purchased the property, they were made aware that the existing use did not meet the current by laws and a Notice to Comply had been issued to the previous owners. This Appeal is based on its historical use as a 3-unit dwelling since 1954, as per the Statutory Declaration of Marjorie Burton. These units have been assessed and taxed as a 3 unit building since at least 1981. The use of the property as 3 unit dwelling has been part of the fabric of the neighbourhood for over forty years. Going back through the records, this property has contained rental units since the 1950's. Reading from the Statutory Declaration, Ms. Burton has never been challenged by anyone nor notified by HRM staff about the existence of these dwellings.

There are several other multi unit dwellings on London Street, at least 10 others on their block alone.

As new owners of the property, Ms. Sampson told Council that they have every desire to be part of the community and carry out any improvements to property that may be necessary to continue to be harmonious with the surrounding properties. We have met with neighbours and sent letters to discuss these issues and steps that we have and are going to take to resolve these issues.

Through this process, the new owners have learned of previous issues with the other property owners. They learned that the previous owners lived out of province. This issue is addressed as the property owners live here.

We have also learned that traffic and parking on London Street is an issue. To that end, we plan to install 3 parking spaces at rear of property. To the best of our knowledge, the current requirements were not in existence at the time units created.

**Chris MacDonald 6452 London Street** - Against the Variance. We moved into neighbourhood 13 years ago. There are many children and single family homes in the neighbourhood. Mr. MacDonald is concerned that the Applicants don't live in neighbourhood as Ms. Burton did. There are issues with parking and extra cars on street. There is a Day Care across road and this extra traffic may pose a problem. If the Variance is granted it may set precedent for others to follow suit.

**Dave MacKay, 6456 London Street** - Against the Variance. Mr. MacKay is concerned with parking, and the lack of continuity in the neighbourhood. He says it is a family neighbourhood and would prefer the property to remain single family homes.

**Paul Rogue, 6466 London St** - Against the Variance, Mr. Rogue has lived there since 2003. He told Council that the laws are in place for a reason and should be upheld.

The Chair called three times for any further speakers for or against the proposed variance. Hearing none, the following motion was placed:

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that the appeal hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that Peninsula Community Council uphold the decision of the Development Officer to refuse the variance.**

Councillor Fougere spoke to the matter saying that although the new owners have good intentions, there are outwaying concerns outstanding of neighbours.

Councillor Uteck spoke to the matter inquiring about the assessment roll, about what is assessed, what is legal. We need to look into how to fix these issues. There are too many variance appeals. She wondered how many illegal units have been assessed as multi unit residence and is HRM taking taxes for illegal units.

Councillor Sloane spoke to the matter that when these illegal apartments are brought forward to be legalized, why is no one is charged for intentional disregard. HRM is losing money and taxes are go up.

Councillor Fougere wanted noted for the record that the new owners bought the property in the existing condition and made every effort to legalize it. They took all opportunities that were available through municipal laws.

**MOTION PUT AND PASSED.**

### **8.2.2 Appeal of the Development Officer's decision to refuse a variance - 6130 Allan Street, Halifax**

C A staff report dated February 4, 2007 on the above-noted was before Community Council.

Miles Egar, Development Technician, advised that this is an appeal of the Development Officer's decision to refuse a variance from the right side yard requirement, the lot frontage requirement, and the lot area requirement of the Halifax Peninsula Land Use Bylaw to legalize an existing for unit dwelling. Mr. Egar reviewed the report with Community Council.

The Chair opened the floor for those wishing to speak for or against the appeal.

**Gary Wornicka, property owner** - Mr. Wornicka maintains property as 4 unit dwelling. He has lived in neighbourhood for 50 years. Many if the surrounding properties are not as old as his property. If the property was changed to 2 units, it would create two - 5 bedroom units. Mr. Wornicka spoke with neighbours who are in support of variance and has letters from tenants. He read letters from residents. Some of the comments that his residents have mentioned are:

- Resided at property for 3+ years
- University student at Dal
- Challenge to find affordable, spacious reasonable accommodations
- Close to work
- Good report with neighbours
- No plans to relocate.
- Greenhouse in back with backyard
- No car, do not need a parking space
- Close to grocery store
- Lived in housing since 1995.
- Similar to co-op.

Councillor Uteck asked what the property was assessed at - 2 or 3 bedroom? Property owner was unsure.

Councillor Sloane asked if alterations were required, would the property owner carried them out? Property owner said he would.

Resident at 6125 Allan Street, Halifax - across street - Against Variance. Resident spoke with owner. The resident is against changing neighbourhood. She is against the changes that the owner has been asked to make. She is against parking in front, preferring less cement rather than more.

The Chair called three times for any further speakers for or against the proposed variance. Hearing none, the following motion was placed:

**MOVED by Councillor Sloane, seconded by Councillor Uteck, that the appeal hearing be closed. MOTION PUT AND PASSED.**

Councillor Sloane inquired if HRM would require the garage to be taken down to accommodate parking. Staff responded saying that the Land Use Bylaw for that area requires each dwelling

to have its own parking space. Currently, the property only has two parking spaces. In order to have the Variance Hearing the property owner had to demonstrate that he could provide adequate parking. He would need to take garage down to give enough parking spaces.

Councillor Sloane was concerned that HRM is trying to make a livable city. We have seen that one resident doesn't own car. She questioned the need to take the garage down to provide service parking.

Councillor Uteck asked if Council, as part of the Variance process, could waive the right to require 4 parking spaces? Staff response: With today's laws - no. It would require an amendment to LUB.

Councillor Fougere explained that the existing units that have been around as long as the person owned the building. It is part of fabric of neighbourhood as it exists. She has received no phone calls about this property. Councillor Fougere noted that she was disappointed to have to tear down garage to overturn the decision.

**MOVED by Councillor Fougere, seconded by Councillor Uteck, that Peninsula Community Council overturn the decision of the Development Officer and approve the variance.**

Councillor Uteck - We are trying to discourage use of cars on the peninsula. By laws are in contradiction with HRM by Design and Regional Plan. We want to encourage the stability of the neighbourhood. There are constant issues of illegal units before Council with property owners trying to legalize existing units.

Councillor Sloane is concerned that the owner must tear down a functional garage to put in paving for service parking. We need to change the bylaws. The building looks good, is a part of fabric of neighbourhood. Council needs options. We need to get away from service parking. We need to get staff to work with property owner. How long does a LUB change take?

Andrew Faulkner, Development officer for the Western Region - the *Municipal Government Act* has provisions which allow, through the variance, parking spaces; but its only if the local government adopts it in their local planning strategy and then in their Land Use Bylaw. Certain variances are by right, but height and parking spaces not. Changes to the Land Use Bylaws would be done through Planning Services, staff couldn't speak to the timeframe involved. Will find out for next meeting.

Councillor Fougere noted that a Peninsula Parking Strategy will be coming to Council within the next few months that will speak to parking issues on the peninsula.

**MOTION PUT AND PASSED.**

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

### **9.1 Correspondence - None**

## 9.2 Petitions

Councillor Fougere noted there are two petitions before Community Council to allow residents to keep poultry in back yards. They are asking to amend by laws to allow keeping of poultry for non-commercial uses.

## 9.3 Presentations - None

## 10. REPORTS

### 10.1 Staff Reports - None

### 10.2 Committee Reports

#### 10.2.1 District 12 Planning Advisory Committee - Case 00897 - Heritage Development Agreement - Gerrard Lodge, 1234 Barrington Street, Halifax

C A staff report dated February 6, 2008 on the above noted was before Council.

Mr. Luc Ouellet, Planner, reviewed with Community Council, noting the following: District 12 PAC passed the following proposed amendment to the Development Agreement: That this development be completed in two phases - Phase 1 being the improvements to facade of heritage building and Phase 2 being the townhouse development.

Staff spoke with property owner. Property owner refused to sign such an agreement citing extra costs of crews coming to do first part of work, then coming back for second. This leaves council to move notice of motion as proposed by staff, or refuse the application.

Councillor Sloane clarified the reason District 12 PAC brought this forward was because of prior work commitments of the other side of the building. Proposed work took far longer that it should have.

**MOVED by Councillor Sloane, seconded by Councillor Uteck, that Peninsula Community Council move Notice of Motion to consider an application by Geoff Keddy and Associates Limited on behalf of the owner, 3146051 Nova Scotia Limited, for a development agreement to permit four condominium units and the construction of a three unit detached townhouse building at the rear of a registered heritage property at 1234 Barrington Street, Halifax, and to schedule a Public Hearing.**

Councillor Uteck made the comment that a Development Agreement is a legal contract and has the necessary remedies should we need them

**MOTION PUT AND PASSED.**

### **10.3 Members of Peninsula Community Council**

#### **10.3.1 Councillor Fougere - By-Law Regulations respecting the Keeping of Fowl**

Councillor Fougere brought this complaint forward as a result of a complaint. It is a Land Use Bylaw compliance enforcement issue, more specifically the keeping of agricultural creatures such as chickens. Councillor Fougere told the complainant that they would need to demonstrate a broader base of support that just one complaint to bring the matter before Council. The complainant was able to demonstrate that this was so. Councillor Fougere is not asking that the Land Use Bylaws be changed. Councillor Fougere is asking for a staff report to look at Land Use Bylaw in comparison to others in HRM, look at other locations where this is considered. She recognizes that the areas in question are small residential lots, substandard size on building side. People are closely in touch with neighbours so how they feel is very important. There would be requirements for minimum lot sizes and distances, nearest residences, Department of Health Certificate, regulations on structure chickens kept in, etc. There are Best Practices in place across North America in areas that allow fowl to be kept. There is a need to look at what is already in place.

**MOVED BY Councillor Fougere, seconded by Councillor Sloane, that Peninsula Community Council request an information report on the by-law regulations across the Municipality that apply to the keeping of fowl for the purposes of producing eggs and how the Peninsula Land Use Bylaw may differ from others. Also if there are any provisions in the other by-laws that may be applied to the Peninsula that would consider allowing for a personal number of chickens for producing eggs. MOTION PUT AND PASSED.**

#### **10.3.2 Councillor Uteck - Beaufort Avenue/Regina Terrace Construction**

Councillor Uteck would like to have a staff report. Homeowners near the intersection of Regina Terrace and Beaufort Avenue have raised concerns regarding recent development in the area.

**MOVED BY Councillor Uteck, seconded by Councillor Fougere, that Peninsula Community Council request a staff report on homeowners near the intersection of Regina Terrace and Beaufort Avenue raising concerns regarding recent development in the area and their proposal for by-law changes which include increasing the minimum property width from 40 feet to 50 feet, and requiring setbacks from the street to be no less than the majority of those on the same side of the street. MOTION PUT AND PASSED.**

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Case 00930 - MPS and LUB Amendment/Development Agreement for 6955 Bayers Road, Halifax**

C A staff report dated January 21, 2008 on the above noted was distributed to Community

Council.

A motion was previously passed in tonight's Council session to deferred to the March 3, 2008 meeting.

**12.2 Personnel Matter - Appointment to District 12 Planning Advisory Committee**

C This item was addressed at an earlier In Camera meeting.

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that Peninsula Community Council appoint Logan McDaid to the District 12 Planning Advisory Committee to fill a vacant two year term, expiring November 2008. MOTION PUT AND PASSED.**

**12.3 Personnel Matter - Appointment to Halifax Watershed Advisory Board**

C This item was addressed at an earlier In Camera meeting.

**MOVED by Councillor Uteck, seconded by Councillor Fougere, that Peninsula Community Council appoint Scott Harron to the Halifax Watershed Advisory Board to fill a vacant three year term, expiring November 2010. MOTION PUT AND PASSED.**

**12.4 Councillor Sloane - Peninsula Place Flooding**

Councillor Sloane requested that this item be added to the status sheet to monitor progress and ensure that staff find a solution for this problem.

**13. NOTICES OF MOTION - None**

**14. PUBLIC PARTICIPATION**

**Michelle Palmer, Robie Street** noted the following:

- He has visited Louise's place, she takes good care of them.
- He was an inspector for Organic Certification for six years.
- We need to think about future. If there were a state of emergency we would only have enough food to last for a week.
- There needs to be a movement for people to grow their own food.
- Raising chickens should be looked at.
- Regulations could easily be established to allow it.
- Neighbours feel good about it.
- The Complainant lives about 100 yards away on other side. They are fearful that the chickens could attract rats. Not so.
- Ridiculous to force more parking when not needed. Need to be logical in thinking to keep people on peninsula.

**Reg Harper, Edinburgh Street** noted the following:

- Lived in the area for 45 years.

- Lot sizes are about 100x 40.
- No room for chickens.
- Go to market to get your eggs.
- Against changing by law.
- First time ever to community council.

**Wayne Angelo Aloff** noted the following:

- Father of 6 children.
- Nice to see touch of nature in city.
- Clean. Promoting what is the best for city and province.
- Feed will not cause rat problem.
- He is a member of Clean Nova Scotia and is on the NS Organic Council.
- People have a worse impact on the city than chickens.

**Clarence McInnis, Edinburgh Street** noted the following:

- 6 or 7 doors away from Louise.
- Nothing against chickens or eggs.
- Don't like rats.
- More than one complainer in the neighbourhood
- Can confine the chickens, can't confine the rats.
- Lived in the neighbourhood for 40 years.
- Didn't check with city before she brought in chickens.
- Confidentiality issue - media made it look like one complainant. Regulations state complaint shall remain confidential.

Councillor Fougere wanted it noted for the record that HRM did not provide name of complainant to media.

**Christina Parker, Park Terrace, Hammonds Plains** noted the following:

- If someone were reported for speeding, police can only go speak with them. Whereas a phone call is placed to HRM about hens next door, HRM can go to the owner and confiscate hens - Unfair. Speeding motorist could kill, hens harmless.
- There are other reasons for rat infestation - No reason to restrict hens.
- If noise issue, fine under noise by law.
- If not treated properly, call SPCA.
- We are encouraged to live green, but not allowed to raise own food.
- Enviro friendly. Beneficial.
- Council should consider amending by-law.

Councillor Fougere noted for clarity this is the law as it stands right now. She didn't know how many complaints received. She did receive one. The complaint was passed on to Land Use Compliance to investigate. Speeding is under the *Police Act* and that is a different situation.

**Henry O'Neill, Edinburgh Street** noted the following:

- Born and raised in Halifax.
- Rats exist in Halifax.
- Difficult to get rid of.

- Green is good, but need to keep it clean.
- Against changes to by law.
- Law was put in place for a reason.

**Sam Austin, Morris Street** noted the following:

- This is not the first instance.
- HE was born and raised in HRM
- Adopted chickens in Lawrencetown that were kicked out of the city.
- HRM should consider changing the by-law.
- 3 chickens in a well maintained space, not a big deal.
- Not a problem if done properly.
- Done in many other cities.

**Shawn Parker, Park Terrace Hammonds Plains** noted the following:

- Peaceful demonstrated outside.
- In favour of looking at other cities' regulations on urban poultry and a greener environment.
- This is part of a smart city.
- Made every indication that she will follow the law.
- Existing laws not always the best laws.

#### **Councillor Sloane - Peninsula Place**

Peninsula Place, over the last month, has flooded twice. First time it flooded, 40 cars were ruined. The second time ruined 20 cars. Would like it added to status sheet to keep an eye on it to ensure staff are going ahead with fixing this problem.

#### **15. NEXT MEETING**

The next regular meeting of the Peninsula Community Council will be held Monday, March 3, 2008 at 7:00 p.m. in the Council Chamber, City Hall.

#### **16. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:32 p.m.

Jennifer Weagle  
Legislative Assistant