

**PENINSULA COMMUNITY COUNCIL  
MINUTES**

**January 14, 2008**

**PRESENT:**

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

**STAFF:**

Ms. Karen Brown, Solicitor  
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 the Council Chamber, 3<sup>rd</sup> Floor, City Hall.

2. **ELECTION OF CHAIR AND VICE CHAIR**

At this time nominations were received for the position of Chair.

**MOVED by Councillor Uteck, seconded by Councillor Fougere, that Councillor Murphy be appointed as Chair of the Peninsula Community Council. MOTION PUT AND PASSED.**

Councillor Murphy took his seat as Chair and called for nominations for the position of Vice-Chair.

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that Councillor Uteck be appointed Vice-Chair of Peninsula Community Council. MOTION PUT AND PASSED.**

3. **APPROVAL OF MINUTES** - November 5, 2007

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that the minutes of November 5, 2007 be approved as distributed. MOTION PUT AND PASSED.**

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

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

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

5.1 **Status Sheet**

5.1.1 **Neighbourhood Downzoning**

C An information report dated November 23, 2007 on the above noted was before Community Council.

Councillor Uteck requested that this item remain on the status sheet pending Regional Council approval. This item will remain on the status sheet.

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

- C An information report dated December 17, 2007 on the above noted was before Community Council.

Councillor Uteck requested that this item remain on the status sheet as an ongoing matter. This item to remain on the status sheet pending a full report to Council on this matter in November 2007.

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

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

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

Councillor Sloane noted that the building has a purchaser. She requested an update from legal staff via an information report for the next meeting. This item to remain on the status sheet.

### **5.1.6 CN Property Maintenance**

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

## **6. MOTIONS OF RECONSIDERATION** - None

## **7. MOTIONS OF RESCISSION** - None

## **8. CONSIDERATION OF DEFERRED BUSINESS** - None

## **9. HEARINGS**

### **9.1 Public Hearings** - None

### **9.2 Appeal Hearings**

#### **9.2.1 Appeal of the Development Officer's decision to approve an application for a variance - 5677 Brenton Place, Halifax**

- C A staff report dated November 27, 2007 on the above noted was before Community Council.

Mr. Myles Egar, Development Technician, advised that this is an appeal of the Development Officer's decision to approve a variance from the side yard, coverage, lot frontage, and lot area requirements of the Halifax Peninsula Land Use Bylaw to permit a Single Unit Dwelling. Mr. Egar reviewed the staff report with Community Council.

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

**Mr. Harold Bent, appellant and co-owner 5673 Brenton Place, Halifax**, indicated that they have involved a lawyer in the process. Mr. Bent read from a letter drafted by his lawyer to the property owner, indicating that they are not opposed to the variance but seek assurances that their adjacent property would not be damaged during renovations, Mr. Bent noted previous damages to their property as a result of work carried out on the subject property in the past, some of which has not yet been completed or rectified, and noting a difficult relationship with the property owner in the past in this regard.

**Mr. Joseph Farrell, appellant and co-owner 5673 Brenton Place, Halifax**, concurred with Mr. Bent's comments, noting that they do not oppose the addition; however, they do not want to be abused as per past experiences with the property owner.

**Mr. Philip Lavangie, property owner, 5677 Brenton Place, Halifax**, indicated that his intention is to build an addition on top of the building to create an apartment. He noted that he believes the Development Officer made the right decision by allowing the variance, and the objections noted by his neighbours have nothing to do with the variance. Mr. Lavangie noted that he has provided written and verbal due diligence assurances to Mr. Bent and Mr. Farrell. He advised that they then requested a \$25,000 deposit, which he was advised by his lawyer was unreasonable and not to provide it. Mr. Lavangie commented that this will be the only owner occupied premises on the block, will maintain a large green space, and is consistent with HRM By Design as a live/work space. He agreed that the back of the property has not been maintained in the greatest shape, but assured that if the variance is approved, he will act with due diligence in maintaining the property.

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 Fougere, that the appeal hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that Peninsula Community Council uphold the decision of the Development Officer to approve the variance. MOTION PUT AND PASSED.**

#### **9.2.2 Appeal of the Development Officer's decision to refuse a variance - 6077 Fraser Street, Halifax**

C A staff report dated January 2, 2007 on the above noted was before Community Council.

Ms. Erin MacIntyre, Development Technician, advised that this is an appeal of the Development Officer's decision to refuse a variance from the right side yard requirement of the Halifax Peninsula Land Use Bylaw to permit a covered deck. Ms. MacIntyre reviewed the report with

Community Council.

Ms. MacIntyre responded to questions of clarification at this time, clarifying that she walked around the neighbourhood and did not notice any other deck encroachments.

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

**Mr. Stanko Vaci, property owner, 6077 Fraser Street, Halifax,** indicated that he was advised by a property inspector that the original deck was not in a safe condition, and they wanted to build a new deck the same size as the old one.

**Mr. Herman Gibson, Contractor for 6077 Fraser Street,** advised that he had applied for the original permit in Mr. Vaci's name. Mr. Gibson apologized for the confusion surrounding the discrepancy between the plans submitted to the planning office and the construction of the deck. He indicated that they completed other work on the property, such as building a new garage. Mr. Gibson clarified that the deck encroaches 2.3 feet into the right side yard, resulting in an eight inch setback.

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

Ms. MacIntyre clarified, at the request of members, that the original deck was never built legally, so the new deck could not be "grandfathered".

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

Councillor Uteck commented that the original deck was built in 1962, and it would be unfair to penalize the present property owner. She commented that no neighbours appealed the variance.

**MOTION PUT AND PASSED.**

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

**10.1 Correspondence - None**

**10.2 Petitions - None**

**10.3 Presentations - None**

## **11. REPORTS**

**11.1 Staff Reports**

**11.1.1 Case 00870: Development Agreement - 5784 Charles Street, Halifax (Supplementary Report)**

C A Supplementary Report dated December 11, 2007 on the above noted was before Community Council.

Mr. Paul Sampson, Planner, advised that this is the former Dave's Bottle Exchange property. He noted that Regional Council approved the proposed amendments to the Halifax MPS and Halifax Peninsula LUB in November 2007, and this matter has returned to Community Council for approval of the Development Agreement. Mr. Sampson clarified that the Province has also approved the MPS amendments. He noted that a proposed amendment to the agreement to enclose and finish the underside of the balconies, was recommended by the District 12 Planning Advisory Committee, and was also recommended by Council. He noted that this has been written into the agreement.

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

- 1. Approve the proposed development agreement, as contained in Attachment A of the December 11, 2007 report, to allow for a multiple-unit residential building with commercial space;**
- 2. Require that the development agreement be signed and returned within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**11.2 Committee Reports - None**

**12. MOTIONS - None**

**13. ADDED ITEMS - None**

**14. NOTICES OF MOTION - None**

**15. PUBLIC PARTICIPATION - None**

**16. NEXT MEETING - February 11, 2008**

The next regular meeting of the Peninsula Community Council will be held Monday, February



11, 2008 at 7:00 p.m. in the Council Chamber, City Hall.

**16.1 Approval of the 2008 Meeting Schedule**

C The proposed 2008 Peninsula Community Council meeting schedule was before members.

Councillor Fougere requested that the March date be changed to March 24, 2008.

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that the 2008 Peninsula Community Council meeting agenda be approved as amended. MOTION PUT AND PASSED.**

It was later noted that March 24, 2008 is a holiday, and the March meeting was moved to March 3, 2008.

**17. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:38 p.m.

Jennifer Weagle  
Legislative Assistant