

**PENINSULA COMMUNITY COUNCIL
MINUTES**

June 9, 2008

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

STAFF: Ms. Roxanne McLaren, Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. **CALL TO ORDER:**

The Chair called the meeting to order at 7:05 p.m. in the Council Chamber, City Hall.

2. **APPROVAL OF MINUTES:**

MOVED by Councillor Uteck, seconded by Councillor Fougere that the minutes of April 14, 2008 and May 12, 2008 be approved. MOTION PUT AND PASSED.

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

Addition:

4.1.8 Information Report - Beaufort Avenue/Regina Terrace Construction

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

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

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 Deputy Mayor Uteck - Review of Gross Floor Area Ratio Requirements

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

4.1.3 Presentation - Halifax Peninsula Community Health Board

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

4.1.4 Mitchell's Enviro Depot update

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

4.1.5 CN Property Maintenance

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

4.1.6 Peninsula Place Flooding

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

4.1.7 By-law Regulations respecting the Keeping of Fowl

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

4.1.8 Beaufort Avenue/Regina Terrence Construction

An information report dated May 21, 2008 was submitted.

MOVED by Councillor Uteck, seconded by Councillor Sloane that item be dealt with under 'Added Items'. MOTION PUT AND PASSED.

4.1.9 Staff to add actuary to the list of occupations for Home Based Businesses and bring back report

An information report on this matter had been submitted to the May 12, 2008 meeting of Peninsula Community Council.

This item was not addressed, and will 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 **Variance Hearings:**

8.2.1 **1069 Belmont on the Arm, Halifax - Appeal of Development Officer's Decision to Approve an Application for a Variance**

A staff report dated May 29, 2008 was submitted.

Ms. Brenda Seymore, Development Technician, addressed Community Council and reviewed the reasons why the Development Officer approved an application for a variance from the gross floor area ratio requirements of the Halifax Peninsula Land Use Bylaw to permit an addition to a single family dwelling at 1069 Belmont on the Arm, Halifax.

In her remarks, Ms. Seymore referred to a concern expressed in one of the appeal letters regarding building height and she pointed out that the maximum building height permitted is 35 feet, and from the front of the house at street level, there will be two stories, and three stories at the back. She explained that measured from the street level, the proposed height is 25 feet.

Ms. Seymore advised that the Development Officer approved the variance on April 16, 2008 and, following this, four letters of appeal were received by staff. She noted that since this time, two of the appeals have been withdrawn.

Ms. Seymore responded to questions from Community Council.

In response to a question by Councillor Uteck, Ms. Seymore concurred that there were no current regulations pertaining to the area concerning restriction on the view of the North West Arm from an abutting neighbour.

The Chair opened the hearing.

Ms. Anne Muecke, representing the applicant, addressed Community Council and indicated that she wanted to provide some clarification on a couple of points. She noted that the additional floor space will be in the basement area, and not added to the main level. Ms. Muecke explained that, because there is a drop-off in back of the house, the choice would be either to put it on stilts or build it out in the back and this is where the extra area comes from. Ms. Muecke went on to note that another concern was that the addition would impinge on the shoreline, and she pointed out that was not an issue. She advised that she contacted six neighbours, and was able to speak to five. She provided them additional information and, as a result of this, two have withdrawn their appeals. Ms. Muecke concluded by advising that although the proposed building is higher than the current one, it is a compromise in height when the maximum height could go as high as 35 feet. She noted that the residents across the street will lose some portion of the view from their ground level, but they will retain their view on the upper level.

The Chair called three times for further speakers; there being none it was **MOVED by Councillor Uteck, seconded by Councillor Fougere that the variance hearing close. MOTION PUT AND PASSED.**

Councillor Uteck spoke in support of the variance application advising that Belmont on the Arm was a very unique street as there are homes of varying sizes. Councillor Uteck referred to concerns expressed about the view plane of the North West Arm and noted that she would like staff, on a go forward basis, to begin looking at what the view plane should be in this area.

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

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence: None

9.2 Petitions: None

9.3 Presentations: None

10. REPORTS:

10.1 Staff Reports:

10.1.1 Case 00930: MPS and LUB Amendment for 6955 Bayers Road, Halifax - Supplementary Report

A supplementary staff report dated May 21, 2008 was submitted.

Ms. Randa Wheaton, Planner, explained that this matter came to Community Council on March 3, 2008 and a motion was passed to forward it to Regional Council recommending a joint public hearing on the development agreement and proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use by-law. However, subsequent to the matter going to Regional Council, Peninsula Community Council held another meeting and a decision was made to hold a Public Information Meeting on the proposal. Ms. Wheaton advised that the public information meeting was held April 23, 2008, and the matter is now back before Community Council for decision on whether to continue to send it forward to Regional Council or for Community Council to rescind its previous motion.

Ms. Wheaton pointed out that if Community Council wished to send the matter forward to Regional Council, there is a Plan Amendment and a Development Agreement portion, i.e. the Plan Amendment is approved by Regional Council and the Development Agreement is approved by Community Council. Ms. Wheaton advised that should Community Council wish to rescind its motion, then it must send direction to Regional Council in relation to what Community Council wishes Regional Council to do with the Plan Amendment.

At 7:21 p.m. Councillor Murphy stepped out of the Chair and Councillor Uteck assumed the Chair.

Councillor Murphy indicated that he was prepared to move a motion to rescind Community Council's previous motion in regard to the proposed development. He advised that he and Councillor Fougere received many phone calls of concern about the proposed development, and added that they were pleased a public information meeting had been held because many people did not understand what had transpired. Councillor Murphy advised that, in his view, one building was not the best way to proceed for the neighbourhood in question and, therefore, he was prepared to rescind the previous motion regarding the Development Agreement of one building.

In response to a question of clarification by the Chair, Councillor Murphy explained that the proponent has indicated a willingness to sit down with the residents of the community and try to work through their concerns.

It was noted that in order for Community Council to rescind its previous motion, a motion to suspend the Rules of Order was required.

MOVED by Councillor Murphy, seconded by Councillor Fougere that the Rules of

Order be suspended. MOTION PUT AND PASSED.

MOVED by Councillor Murphy, seconded by Councillor Sloane that Peninsula Community Council rescind its motion of March 3, 2008 in regard to Case 00930 - MPS and LUB Amendment for 6955 Bayers Road, Halifax. MOTION PUT AND PASSED.

MOVED by Councillor Murphy, seconded by Councillor Sloane that Peninsula Community Council recommend Regional Council:

- 1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law contained in Attachment A of the report dated January 21, 2008 and schedule a public hearing.**
- 2. Approve the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as contained in Attachment A of the report dated January 21, 2008.**

MOTION PUT AND PASSED.

At 7:24 p.m. Councillor Murphy assumed the Chair.

10.2 Committee Reports:

10.2.1 District 12 Planning Advisory Committee - Case 01161 - Non-substantive Amendment to Development Agreement for 5839 Cunard Street, Halifax (PID 41158304)

A report dated May 27, 2008 from Ms. Beverly Miller, Vice Chair of the District 12 Planning Advisory Committee was submitted with an attached staff report dated May 14, 2008.

Ms. Randa Wheaton, Senior Planner, outlined the application by Cunard Street Developments Incorporated for a non-substantive amendment to the Development Agreement for 5839 Cunard Street, Halifax. In her presentation she advised that the properties involved with this matter are seeking an amendment to the development agreement which would enable the construction of a wooden fence with decorative lattice on the top, instead of the masonry wall, as stated in the development agreement. She added that the reason for the request is that the residents are concerned about the damage to existing trees and shrubs that would result from the required excavation for a masonry fence. Ms. Wheaton noted that the five properties involved are registered heritage properties, and that four of the five property owners have signed and submitted a letter of agreement requesting the amendment.

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

1. **Approve the non-substantive second amendment to the Development Agreement formerly known as 5837 Cunard Street and 2372 June Street and now Known as 2303, 2307, 2311, 2315 and 2319 Princess Place, 2368 June Street and 5839 Cunard Street as required for the approval of a revised landscape plan as detailed in the Amending Agreement appended as Attachment A of the report dated May 14, 2008; and**
2. **Require that the Amending Agreement be signed and returned within 120 days, or any extension other of granted by Community Council on request of the applicant, from the date of final approval by Community 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.**

MOTION PUT AND PASSED.

10.3 Members of Peninsula Community Council: None

11. MOTIONS: None

12. ADDED ITEMS:

12.1 Information report dated May 21, 2008 Re: Beaufort Avenue/Regina Terrace Construction (Item 4.1.8 on the Status Sheet)

In reference to the submitted information report, Councillor Uteck advised that she was satisfied with the response, and that this item can be removed from the Status Sheet.

13. NOTICES OF MOTION: None

14. PUBLIC PARTICIPATION:

Janet Shotwell. Ms. Shotwell advised that she attended a lecture at Dalhousie University recently that was very enlightening and that she wanted to share with the Councillors, and suggested they keep the concept in mind in their future decisions. She explained that the lecture centred on the idea that every town and city has sacred spaces, which are not necessarily churches, but are spaces that residents appreciate and are at the heart of what makes that particular city or town a wonderful place to live. Ms. Shotwell suggested that such places in Halifax are the waterfront area, Citadel Hill, and the Halifax Common, and that they are open, public spaces. She indicated that over time, parts of these 'sacred spaces' have been lost to other uses. She expressed concern over this noting that once the space is gone, it is impossible to get back. Ms. Shotwell advised that new

developments in the City should be more respectful and aware of the importance of these spaces. In this regard, she referred to a proposed development in the area of Victoria Park which Regional Council would be considering soon, and pointed out that, if approved, it will have less open space than is required, and that she believed it should be the opposite.

15. NEXT MEETING - September 8, 2008

16. ADJOURNMENT:

On a motion **MOVED** by Councillor Fougere, seconded by Councillor Uteck the meeting adjourned at 7:35 p.m.

Sheilagh Edmonds
Legislative Assistant