

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES APRIL 8, 2002

PRESENT: Councillor Sheila Fougere, Chair
Councillor Sue Uteck, Vice-Chair
Councillor Jerry Blumenthal
Councillor Dawn Sloane

STAFF: Angela Jones-Reifkes, Solicitor
Jim Bauld, Diversion Planning Coordinator
Kurt Pyle, Planner
Steve Higgins, Development Officer
Sherryl Murphy, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	APPROVAL OF MINUTES - Joint Meeting of Chebucto Community Council and Peninsula Community Council, March 4, 2002 and Regular Meeting of Peninsula Community Council, March 4, 2002	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	1079 Queen Street - Extension of Development Agreement	4
4.1.2	C-2 Zoning in District 12	5
4.1.3	Staff Response to Tania Li Presentation re Armview Corridor Traffic	5
5.	MOTIONS OF RECONSIDERATION - NONE	5
6.	MOTIONS OF RESCISSION - NONE	5
7.	CONSIDERATION OF DEFERRED BUSINESS - NONE	5
10.1	Project #00082: Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-laws	5
8.	PUBLIC HEARINGS	6
8.1	Appeal of Refusal of Application for Variance: 6118 South Street, Halifax	6
8.3	Appeal of Refusal of Application for Variance - 2089 Beech Street, Halifax	10
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	11
10.	REPORTS	12
10.1	Project #00082: Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-laws	12
11.	MOTIONS	12

12.	ADDED ITEMS	12
12.1	Correspondence from the Coalition of Neighbourhood Associations (Halifax Peninsula) re request to establish a Planning Advisory Committee	12
13.	NOTICES OF MOTION	12
14.	PUBLIC PARTICIPATION	12
15.	NEXT MEETING	15
16.	ADJOURNMENT	15

1. CALL TO ORDER

Councillor Fougere, Chair called the meeting to order at 7:05 p.m.

2. APPROVAL OF MINUTES - Joint Meeting of Chebucto Community Council and Peninsula Community Council, March 4, 2002 and Regular Meeting of Peninsula Community Council, March 4, 2002

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the minutes of the Joint Meeting of Chebucto Community Council and Peninsula Community Council, held on March 4, 2002 and Regular Meeting of Peninsula Community Council held on March 4, 2002 be approved, as distributed. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following item was added to the agenda:

- 12.1 Correspondence from the Coalition of Neighbourhood Associations (Halifax Peninsula) re request to establish a Planning Advisory Committee

The following information item was added to the agenda:

Information Report: Responding to question during Public Participation - March, 2002 re Halifax North Wastewater Treatment Plant

At the request of the Chair, Item 10.1 was moved up on the agenda to be dealt with immediately following Agenda Item 7 - Consideration of Deferred Business

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 1079 Queen Street - Extension of Development Agreement

- An Information Report dated April 2, 2002 submitted by T. Koutroulaks, P.Eng., A/Manager, Traffic & Transportation Services was before the Community Council for consideration.

Councillors Sloane indicated that she was satisfied with the response provided. She

noted that she did have some concerns, but would personally follow up with staff .
Councillor Sloane agreed that the item be removed from the Status Sheet.

4.1.2 C-2 Zoning in District 12

There was no update in regard to this matter. The item is to remain on the status sheet.

4.1.3 Staff Response to Tania Li Presentation re Armview Corridor Traffic

There was no update available. The item is to remain on the status sheet.

Councillor Uteck, noting that Ms. Li had made her presentation three months ago, requested that staff provide a response for the next meeting of Peninsula Community Council.

Councillor Fougere noted that Mr. McCusker had been working on the response, however, he has recently suffered a broken leg and was unable to complete the response.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

10.1 Project #00082: Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-laws

- A staff report dated March 25, 2002 submitted by Paul Dunphy, Director of Planning and Development Services, was before Community Council for consideration.

Mr. Kurt Pyle, Planner addressed Community Council indicating that he and Mr. Jim Bauld, Diversion Planning Coordinator, were present this evening to review with Community Council the proposed amendments to the Municipal Planning Strategies (MPSs) and Land Use By-laws (LUBs). Mr. Pyle went on to briefly review the Background and Discussion sections of the March 25, 2002 staff report. He noted that the proposed amendments focused on clarifying policies that already existed in the documents and enhancing environmental protections with the MPSs and LUBs.

Using a map, Mr. Pyle identified the areas in the Peninsula in which C&D operations would be permitted including Kempt Road, the Marshalling Yards off the Bedford Highway and an

area across from the Dockyard in downtown. Mr. Pyle went on to indicate that these areas may not meet criteria for the zone, thereby, not allowing for a C&D operation. He stressed that there is no as of right development, all applications must go through the rezoning and the site plan approval process.

Mr. Pyle responded to questions from members of Community Council.

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

1. **move First Reading and schedule a public hearing to consider proposed amendments to MPSs and LUBs within the jurisdiction of Peninsula Community Council;**
2. **approve amendments to the Municipal Planning Strategies and Land Use By-laws within the jurisdiction of Peninsula Community Council, as outlined in Attachments II to III, inclusive, of the March 25, 2002 staff report, to implement HRM's C&D Waste Management Strategy; and**
3. **amend HRM's C&D License By-law (L-200) as outlined in Attachment IV of the March 25, 2002 staff report (amendments are shown in italics and underlined) .**

MOTION PUT AND PASSED with Councillor Blumenthal voting against.

8. PUBLIC HEARINGS

8.1 Appeal of Refusal of Application for Variance: 6118 South Street, Halifax

- A staff report dated March 29, 2002 submitted by Steve Higgins, Development Officer was before the Committee for consideration.

Mr. Higgins briefly reviewed the March 29, 2002 staff report noting that the applicant wishes to convert the existing single unit dwelling into a two unit property by renovating the interior of the building. The variance requested is in relation to the side yard and a variance would be required to issue a Development Permit and allow the conversion.

Reviewing the guidelines set out in the Municipal Government Act, Mr. Higgins indicated that staff believes the variance would be contrary to the intent of the by-law and that the difficulty is general to the area as a whole.

Mr. Higgins then responded to questions from members of Community Council.

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

Mr. John Woods, 283 Connaught Avenue addressed Community Council indicating that he was accompanied by Mr. Robert Vaughn and Mr. Jim Woods, co-owners in 6118 South Street. Mr. Woods noted that he and his partners had purchased the property in poor condition believing that the existing zoning allowed for two flats. He went on to advise that he had not known this was not the case until the Development Officer had refused his application for a variance.

Mr. Woods advised that although his relationship with the surrounding property owners had been positive at the outset of the project, it had disintegrated during construction. Mr. Woods indicated that neither he or his partners wanted to own or operate a 12 bedroom rooming house. Mr. Woods indicated that he and his partners had not been aware of the impact the significant alterations to the street scape would have on the neighbouring properties. He went on to note that the workmanship found in the interior of the property is top notch. Mr. Woods indicated that if Community Council was willing to set aside the decision of the Development Officer, he and his partners would be willing to modify the facade of the property. Mr. Woods distributed a rendering of the proposed modifications to the facade of the property.

Given that the building presently houses 12 bedrooms, Councillor Sloane asked if there were regulations relating to a maximum number of occupants per bathroom. Mr. Higgins indicated that he was aware of some commercial use regulations, but would have to check with regard regulations relating to residential use.

Ms. Melanie Macey, a resident of the area, addressed Community Council in support of the Development Officer's decision to refuse. Ms. Macey indicated that this issue has been a concern of neighbours for over a year. It first came to the notice of neighbours when jack hammering (all day, every day) in the basement began in February, 2001. The owners were obliged at that time to enter into the permit process. The plan was to increase the volume of the building substantially with additions to the attic, back and basement. Ms. Macey indicated that based on observation as construction proceeded it was not difficult to determine that the developers were not planning on a single family use, but a multi-unit. Ms. Macey urged members of Community Council to uphold the decision of the Development Officer and deny the appeal.

Mr. Chris Soder, 6124 South Street, addressed Community Council indicating that he had initially been pleased with the re-development plans for the property. He noted that the developers had very clearly indicated they intended to put apartments in the building. Unfortunately, his relationship with the developer had deteriorated significantly and the

renovation undertaken by the developer was not attractive. Mr. Soder noted that an issue with a shared driveway has escalated to a legal issue. He went on to indicate that he would not be in favour of the variance being granted noting that there is no guarantee that the developer will modify the facade as he has indicated.

Ms. Beverly Miller, a resident of South Street, addressed the Community Council and indicated that she was a close neighbour of the project and she supported the rejection of the variance application. Ms. Miller indicated that she was also representing Ms. Adele Evans, 6178 South Street, and quoted from the final paragraph of a letter dated April 4, 2002 prepared by Ms. Evans supporting the decision of the Development Officer to reject the variance. A copy of the April 4, 2002 letter is on file.

Ms. Miller went on to indicate that she understood that the developer had originally applied for two units and had been advised they could not have two units. The developer proceeded with renovations which increased the volume of the property considerably and resulted in a 12 bedroom house. Ms. Miller noted that the developer is now applying again for the two units they were told they couldn't have one year ago.

Ms. Miller expressed confusion how, under Sections 41(c) and 43 (e) [d] restricting an increase to volume relative to a two unit use, the developer, even if they received approval on the variance, would be permitted to proceed with a two unit use. Ms. Miller went on to refer to parking requirements under the Land Use Bylaw and suggested that with the added volume two parking spots would be required. She indicated that she did not believe with the proposed modifications to the facade submitted tonight, it would be possible to have two parking spots.

Ms. Miller suggested that there had been a lot of pressure on the neighbourhood relative to properties being bought up and converted to rooming houses or apartments. She urged Community Council to uphold the decision of the Development Officer.

The Chair thanked Ms. Miller for her input and noted, for the information of those present, that the Solicitor has that for minor variances, only those with standing can speak. That is people living within 100 feet or those whose property will be adversely affected.

Mr. Hans Blau, 6128 South Street, illustrated with pictures an appropriate development which had occurred across the street from the property in question only recently. He went on to show a before and after picture of 6118 South Street indicating that the present facade configuration was not attractive and noting that the garbage bin was located at the front of the house. Mr. Blau indicated that he supported the refusal of the variance.

Mr. Blau indicated, however, that if the developer can resolve the matter of the backyard

and driveway, and commit to the modifications to the facade, he would not be against two units being permitted.

Mr. Eric Thompson, owner of the building across the street, indicating that the Land Use Bylaw sets out rules and regulations by which everyone must abide if they wish to develop a property. He indicated that he did not believe that it was intended that this be used as a single family dwelling. Mr. Thompson went on to suggest that by virtue of the where the house was located (in the vicinity of the universities), it was reasonable to assume the plan was to run a rooming house. He indicated that he supported the rejection of the variance and noted that he expected problems in the future with regard to the illegal use of the property as a rooming house.

There were no additional persons wishing to address Council with regard to this matter.

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

Councillor Uteck noted that at this time she would be requesting that Community Council defer a decision with regard to the appeal. Councillor Uteck noted that she had met with the developer today regarding the property and was hopeful that an agreement could be reached between the neighbourhood and the developer.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that the decision on the appeal be deferred for one month to May 13, 2002 to allow an opportunity for the developer and area residents to meet with a view to reaching an agreement regarding the future development of the property.

Councillor Sloane indicated that she was not in favour of deferral.

MOTION PUT AND PASSED.

8.2 Appeal of Approval of Application for Variance: 5750 Spring Garden Road, Halifax

- A staff report dated March 28, 2002 submitted by Steven Higgins, Development Officer was before Community Council for consideration. Community Council was also in receipt of correspondence from Mr. C. Reardon, appellant, dated April 4, 2002 requesting a deferral of the hearing of the appeal to the June meeting of Community Council. Distributed this evening was correspondence from Mr. Higgins, Development Officer to Mr. Charles Reardon dated April 8, 2002 responding to concerns expressed by Mr. Reardon in his April 4, 2002

correspondence

Mr. Higgins briefly reviewed the March 28, 2002 staff report noting that the 5750 Spring Garden Road was the subject of a Development Agreement dated October 1979, August 1980, and June 1982. The owner now wishes to develop the property as a new four unit dwelling with accessory garage and with no commercial component. Consequently, the Development Agreements are no longer required. The application for variance relates to lot coverage, with the proposal exceeding the maximum site coverage of 35% by 10%.

Referring to the requirements under the Land Use By-law, Mr. Higgins indicated that staff did not feel a 10% increase in site coverage violated the intent of the By-law, they did not consider the difficulty common to the area and believed the applicant had entered into the variance application process in good faith.

In conclusion, Mr. Higgins noted that the appellant has requested a deferral of the hearing to the June meeting of Peninsula Community Council.

The Chair conferred with legal counsel and advised that there were some details which must be confirmed prior to Community Council considering the request for deferral.

MOVED by Councillor Uteck, seconded by Councillor Sloane that the meeting recess for 10 minutes (8:10 p.m.) MOTION PUT AND PASSED UNANIMOUSLY.

The meeting reconvened at 8:20 p.m.

Ms. Angela Jones-Reifkes, Municipal Solicitor, advised that the hearing of the appeal of the approval of a variance for 5750 Spring Garden Road could not be deferred. Given that the applicant nor his agent are present this evening to present arguments, nor has the applicant made a written submission, it is deemed that the appellant has **abandoned** his appeal.

In response to a question, Ms. Jones-Reifkes indicated that as the appellant has not presented arguments, he has not presented his appeal.

MOVED by Councillor Sloane, seconded by Councillor Uteck that Peninsula Community Council approved the discharge of the existing development agreements dated October 10, 1979, August 13, 1980 and June 21, 1982 between Riptide Holdings Limited and the City of Halifax as set out in the draft discharge agreement attached as Appendix A to the March 28, 2002 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

8.3 Appeal of Refusal of Application for Variance - 2089 Beech Street, Halifax

- A staff report dated March 28, 2002 submitted by Steven Higgins, Development Officer was before Community Council for consideration.

Mr. Higgins briefly reviewed the March 28, 2002 staff report noting that a variance of the side yard setback is required relative to the conversion of the existing single family dwelling into a semi-detached dwelling by constructing an addition to the rear of the building. Mr. Higgins went on to indicate that staff believes that further reduction to the side lot line setback to permit a semi-detached dwelling would violate the intent of the by-law and that this situation is general to the area and the city as a whole.

Mr. Higgins responded to questions from members of Community Council.

Councillor Fougere called for persons wishing to address Community Council in favour or against the appeal.

Mr. Howard Donohoe, the property owner, addressed Community Council noting that the property had been built in the 1880's when no consideration would have been given to such things as a side yard setback. He noted that the proposed addition, which is being built to accommodate his wife's parents, has met all the other requirements. He noted that the addition met the required setback, however, the existing house does not.

Mr. Donohoe indicated that he had spoken with his neighbours, reviewed his plans and he had not received any objections.

Mr. Derek Hounsell, contractor for the proposed addition, addressed Community Council indicating that he supported Mr. Donohoe's appeal. He went on to indicate that by the letter of the law, as found in the Land Use By-law, a 5 foot side yard setback was required. However, the Land Use By-law did not address the issue that the home had been built in 1800. Mr. Hounsell indicated that all other aspects of the proposed addition had met the intent of the By-law.

There were no additional persons wishing to address Council with regard to this matter.

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

MOVED by Councillor Blumenthal, seconded by Councillor Uteck that Community Council overturn the decision of the Development Officer and allow the applicant to proceed with the addition and change of use from single family residential to

semi-detached residential. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

Councillor Fougere served a petition on behalf of residents of the Westmount Subdivision in opposition to changing or abolishing the current Westmount Shed By-law.

10. REPORTS

10.1 Project #00082: Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-laws

This matter was dealt with earlier in the meeting.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Correspondence from the Coalition of Neighbourhood Associations (Halifax Peninsula) re request to establish a Planning Advisory Committee

- This matter was added to the agenda during the setting of the agenda. Correspondence dated March 8, 2002 submitted by Stephen Esposito, Chair, Coalition of Neighbourhood Associations was before Community Council for consideration.

Councillor Uteck referred to the March 8, 2002 letter and noted that the letter expressed concerns regarding a lack of public input relative to development. She went on to note that in the final paragraph of the letter there appeared to be an implication that the format staff is following for public participation does not meet the requirements as set out in the MPS.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Peninsula Community Council request a staff report including a detailed review of the public participation process and a comment on the implication that the format staff is following for public participation does not meet the requirements as set out in the Municipal Planning Strategy. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Ms. Elinor Reynolds, reporting on behalf of the Jubilee Road Neighbourhood Committee, advised that she lived on Jubilee Road. Ms. Reynolds noted that Jubilee Road is surrounded by schools, universities, hospitals and a shopping center. She indicated that getting in and out of her driveway was a hazard. Ms. Reynolds indicated that the residents of her street had asked for crosswalks, speed humps, four way stop, and extension of curbs. Ms. Reynolds indicated that the residents of the Neighbourhood Committee want

crosswalk lines on both sides of the street. She went on to note that previously approved pedestrian counts have not been executed. Ms. Reynolds indicated that Mr. McCusker was indicating they would not be done. She advised that the residents would like to have these counts done before the end of April.

Ms. Reynolds noted that the entire issue centers on the safety of children. She went on to suggest that traffic calming is supported by Council, but not by staff.

Referring to the schools in the neighbourhood, Ms. Reynolds indicated that there are no school signs and insufficient crosswalks. There are no signs for reduction of speed in front of schools. Ms. Reynolds went on to indicate that people are now driving children to school because crossing the street is too dangerous.

In response to a question from Ms. Reynolds as to why all of Jubilee Road (the section from Robie down to Armview is excluded) was not involved in the Capital District Plan, Councillor Fougere indicated that the Capital District Plan involved commercial areas rather than residential areas. She went on to advise that Carol MacComber at 490-5908 was leading the Capital District project.

Councillor Uteck noted that she has discussed the issue of the exclusion of a portion of Jubilee Road from the Plan with staff.

Councillor Uteck noted that although some progress has been made with the Traffic Authority regarding traffic, a stumbling block is still apparent. Councillor Uteck reiterated that reports relative to concerns around traffic in this area be brought to Community Council rather than Regional Council. Councillor Uteck went on to indicate that the community believes that the Traffic Authority is in defiance of the Municipal Planning Strategy which states that Jubilee Road would not be used as a thoroughfare. Councillor Uteck suggested that the left signaling lights at Oxford and the fact that Jubilee Road was being used as a thoroughfare were indicators. At this point the Traffic Authority does not wish to deal with concerns outside the Transportation Plan. Councillor Uteck indicated that she believed many of the concerns must be dealt with more quickly and not wait for the implementation of the Transportation Plan some three years hence.

Councillor Fougere indicated that she would forward correspondence to Traffic and Transportation Services requesting that any reports relative to this issue be provided to Regional Council as information reports only.

Ms. Beverly Miller, a resident of the Peninsula, referred to her questions at the last meeting regarding the siting of the sewage treatment plant and noted that she had not received a response.

Councillor Fougere noted that an Information Report dated March 29, 2002 had been

tabled at this evening's meeting. A copy of the report was provided to Ms. Miller.

In response to a question from Ms. Miller as to what matters may legally be considered by Council In Camera, Councillor Fougere indicated that property, legal and personnel matters. Ms. Miller went on to ask why the matter of the URB decision relative to 5620 South Street had been discussed in camera. Councillor Fougere indicated that it was a legal matter.

In response to a request from Ms. Miller, Community Council requested that Legal Services prepare an information report explaining the opinion provided by the Solicitor earlier in the evening that in the case of an appeal of a variance only those persons living within 100ft. of this property or those who will be adversely affected are able to speak at the public hearing. Councillor Fougere further clarified the request indicating that Peninsula Community Council would like to know who can or cannot speak at a public hearing relating to an appeal of a variance.

Mr. Hugh Pullen, 6262 Oakland Road, advised that he intended to go to the Solid Waste Resource Advisory Committee to talk about green bins. There have been a rash of green bin fires in the Peninsula area. Mr. Pullen noted that green bins are owned by HRM and asked if an individual lost his home to fire as a result of a fire started in a green bin, would HRM be liable.

Mr. Pullen went on to indicate that in the older parts of the Peninsula some residents are required to keep their green bins in the front yard. These individuals are unable to access the backyard except through their home. Mr. Pullen indicated that residents of the south end are very concerned about the chance of a major fire. He went on to request the support of the Peninsula Community Council relative to this concern.

Mr. Pullen indicated that he was asking Peninsula Community Council to speak with their colleagues and request they pay attention to how the front end process of the Solid Waste process works. He went on to indicate that the system works well except when it comes to collection. Mr. Pullen indicated that his intent was to ensure that the Solid Waste Committee do a better job with collection.

Councillor Sloane agreed with Mr. Pullen that there is an issue with regard to green bins in relation to older housing in the south end. She went on to indicate that there is no backyard access except through the homes.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the Peninsula Community Council request a staff report to address some alternatives to the issues related to the collection of organics for the Peninsula area (i.e. in particular those green bins which have to be placed in the front yard due to a lack

of exterior access to the back yard). **MOTION PUT AND PASSED UNANIMOUSLY.**

Mr. Leba J. Ramia, Look Signs, addressed Community Council on behalf of the Mobile Sign Companies of HRM. He briefly reviewed a written submission, distributed to members of Community Council this evening, noting that meetings between the mobile sign companies and staff have been ongoing. There are five issues still requiring resolution including:

1. Set-backs from curb and sidewalks
2. Down time
3. Permit charge
4. Severe limitation on use of mobile signs with existence of ground (permanent) sign
5. Use of planter box signs

Mr. Ramia responded to questions from members of Community Council.

Councillor Sloane indicated that she would be very interested to have a picture of planter box signs and the other types of mobile signs considered under the Bylaw.

15. NEXT MEETING

The next meeting of the Peninsula Community Council will be held on Monday, May 13, 2002 beginning at 7:00 p.m.

16. ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Sherryl Murphy
Assistant Municipal Clerk

INFORMATION ITEMS:

- Information Report - March 29, 2002 re Halifax North Wastewater Treatment Plant - HRM Site