

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES OCTOBER 6, 2003

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

REGRETS: Councillor Jerry Blumenthal

STAFF: Ms. Patti Halliday, Legislative Assistant

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1. **CALL TO ORDER**

Councillor Fougere, Chair, called the meeting to order at 7:00 p.m.

2. **APPROVAL OF MINUTES - SEPTEMBER 8, 2003**

Councillor Uteck noted a correction on Page 9 of the minutes. The motion at the bottom of the page should read "MOVED by Councillor Sloane, seconded by Councillor Uteck."

MOVED by Councillor Sloane, seconded by Councillor Uteck, that the minutes of September 8, 2003, be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 12.1 Case 00576: Development Agreement for Self-Storage Facility, 3490 Prescott Street
Halifax

Information Item - Notification Procedures - Public Participation

Councillor Fougere advised Council and the public that the LeMarchant variance appeal will be held next month.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that the Order of Business, Additions and Deletions, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

4.1 **Status Sheet**

4.1.1 **Case 00613 - Possible Amendments to the Height and Lot Coverage Provisions**

Mr. Porter provided Council with an update on this matter noting a meeting will be arranged with the Councillors in the next couple of weeks to identify the areas on the Peninsula where there are problems with development that are out of character with the surrounding area.

4. **MOTIONS OF RECONSIDERATION - NONE**

5. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

8. **HEARINGS**

8.1 **Public Hearings - None**

8.2 **Variance Hearings**

8.2.1 **Appeal of Decision to Refuse a Variance at 6373 North Street, Halifax**

C A staff report prepared by Steven Higgins, Development Officer, regarding the above, was before Council for its consideration.

C Correspondence from Dr. Elizabeth Haigh, dated October 3, 2003; Deanna and Edgar Beals, dated October 5, 2003; and, Kelly Cantwell, dated September 2, 2003, regarding the above was circulated to Council.

Mr. Steven Higgins, Development Officer, presented the staff report to the Community Council which recommended that Council uphold the Development Officer's decision to refuse the variance.

Councillor Fougere called for members of public wishing to speak either in favour of or against the variance appeal.

Ms. Kelly Cantwell, 6373 North Street, Halifax

Ms. Kelly Cantwell, applicant, addressed Council in support of the variance application. Ms. Cantwell explained that the purpose of the application was to move one of the flats to the attic which would involve a change to the slope of the roof and the addition of an external staircase.

She emphasised that there will be no change to the footprint nor added height. Only the volume will be changed by altering the back roof line. Ms. Cantwell noted there are many similar examples in Halifax. With respect to neighbouring properties, she noted that she was able to make contact with five who were all supportive, and copies of their letters were provided to Council. In closing, Ms. Cantwell urged Council to overturn the decision of the Development Officer.

Councillor Fougere called three times for any further speakers. Hearing none, the floor was opened for questions or comments of Council.

Councillor Sloane assumed the Chair.

MOVED by Councillor Fougere, seconded by Councillor Uteck, that Peninsula Community Council overturn the decision of the Development Officer and approve the application for a variance for 6373 North Street, Halifax.

Speaking in support of the motion, Councillor Fougere reiterated that the addition does not change the footprint nor the height of the building. It only changes the style of the roof to one that is compatible with the majority of the neighbourhood. The Councillor noted she only received two phone calls from abutting property owners: one expressing concern regarding the effect it will have on sunlight in their yard and the other in favour of the application.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Fougere returned to the Chair.

8.2.2 Appeal of Decision to Refuse a Variance at 6528 London Street, Halifax

C A staff report prepared by Steven Higgins, Development Officer, regarding the above, was before Council for its consideration.

Mr. Steven Higgins, Development Officer, presented the staff report which recommended that Council uphold the Development Officer's decision to refuse the variance.

Responding to questions of Council, Mr. Higgins made the following points:

- C It is his understanding that the proposed steps would be within inches of the property boundary.
- C Instances in the area where the buildings with steps are relatively close to the sidewalk are the exception rather than the norm.
- C If something occurred to cause the sidewalk to heave and the steps were affected, it was his opinion that HRM would not be liable if the variance was approved.

Councillor Fougere called for members of the public wishing to speak either in favour of or against the variance appeal.

Mr. Kevin Quigley, Property Owner, 6528 London Street, Halifax

Mr. Quigley addressed Council stating the extension would go to the property line, but there would still be about four feet before reaching the sidewalk. The purpose of the variance is to add an open porch and steps. Mr. Quigley noted the building currently has no front door,

therefore, he would like to create one and provide more curb appeal. He stated this change will make the property more compatible with others in the area, and the encroachment does not involve increasing the living space as it is an outdoor addition. Mr. Quigley advised that he has spoken to a number of neighbours who were in favour of this application but noted he did not have their support in writing. However, he suggested the absence of anyone present opposing the application spoke to its support.

In response to a question of Councillor Fougere, Mr. Quigley stated two bedrooms and a bathroom are being added upstairs.

Responding to a question of Councillor Uteck regarding the height of the addition, Mr. Higgins confirmed the height restriction would permit the addition as proposed, and the only question at issue here is the front yard setback.

Councillor Fougere called three times for any further speakers in favour of or against the variance appeal. Hearing none, the floor was opened for questions or comments of Council.

Councillor Sloane assumed the Chair.

Councillor Fougere stated she heard from no one either for or against this variance, but stated she has some serious concerns in terms of how close this house already is to the sidewalk. The Councillor stated this house, and the one next to it, are already much closer to the sidewalk than those further down the street, and this addition would be very much a departure from what is on the block in terms of street frontage.

MOVED by Councillor Fougere, seconded by Councillor Uteck, that the Development Officer's decision be upheld.

Although she agreed with the assessment, Councillor Uteck stated she believes the proposal is an improvement to the existing facade. The Councillor stated she did not believe Council would be setting a precedent if this variance was approved and the decision should be overturned.

MOTION PUT AND PASSED.

Councillor Fougere returned to the Chair.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

None.

9.2 Petitions

None.

9.3 Delegations

None.

10. REPORTS

10.1 Case 00400 - Housekeeping Amendments - Subdivision of Existing Semi-Detached Dwellings

C A report from Heather Ternoway, Chair, District 12 Planning Advisory Committee, regarding the above, was before Council for its consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Peninsula Community Council give First Reading to the proposed amendments to the Halifax Peninsula Land Use By-Law as shown in Attachment 1 of the staff report dated August 28, 2003, and schedule a Public Hearing for November 10, 2003. MOTION PUT AND PASSED UNANIMOUSLY

10.2 MEMBERS OF COMMUNITY COUNCIL

10.2.1 Special Meetings of Community Council - Councillor Fougere

Councillor Sloane assumed the Chair.

Councillor Fougere expressed concern with the number of special meetings of the Peninsula Community Council being requested specifically due to timing issues related to development projects. The Councillor stated special meetings should not be a matter of convenience, they should be a matter of necessity under very special circumstances. Councillor Fougere noted that over the last several months the Community Council has been consistently requested to hold special meetings for Planning and Development Services. The Councillor noted Legal staff are not present at these meetings, and it would be her preference that these meetings be held only under extreme special circumstances. Therefore, she requested that Planning and Development Services outline for the Community Council the extreme circumstances

under which they would require a special meeting that do not deal specifically with timing issues (ie. setting dates for public hearings or advertisements). In closing, Councillor Fougere stated she believes by holding these special meetings, a great disservice is being done to the public and the Community Council in terms of being able to adequately study information and make good decisions.

MOVED by Councillor Fougere, seconded by Councillor Uteck, that this matter be referred to Planning and Development Services for a report.

Councillor Sloane expressed concern with the absence of Legal Services' staff at many of the Community Council meetings. The Councillor stated she finds it very disconcerting there is often no legal representation at these meetings to respond to issues that require such advice.

Councillor Uteck suggested the report does not have to be lengthy, but it should set out specific criteria for special meetings.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

None.

12. ADDED ITEMS

12.1 Case 00576: Development Agreement for Self-Storage Facility, 3490 Prescott Street Halifax

C A staff report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before Council for its consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Peninsula Community Council give First Reading to consider the proposed development agreement and schedule a Public Hearing for November 10, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

None.

14. PUBLIC PARTICIPATION

None.

15. DATE OF NEXT MEETING

The date of next meeting of the Peninsula Community Council will be Monday, November 10, 2003.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 7:45 p.m.

Patti Halliday
Legislative Assistant