

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES February 16, 2004

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

**ABSENT WITH
REGRETS:** Councillor Jerry Blumenthal

STAFF: Ms. Karen Brown, Municipal Solicitor
Ms. Sherryll Murphy, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

2. APPROVAL OF MINUTES

MOVED by Councillor Fougere, seconded by Councillor Sloane that the minutes of the January 12, 2004 meeting of Peninsula Community Council be approved, as distributed. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

- 12.1 Case 00570 - Amendment to Development Agreement - Halifax Shopping Centre Annex, 6990 Mumford Road, Halifax

Community Council agreed that item 10.2, Case 00564: Approval of Development Agreement - University Avenue and Tower Road, Halifax, be dealt with immediately following the Consideration of Deferred Business

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Halifax Grain Elevators

- An information report dated January 19, 2004 submitted by Michael Eddy, Chief Director, Fire & Emergency Services, was before Community Council for consideration.

Councillor Uteck noted that the January 9, 2004 information report addressed the issue and the matter may be removed from the status sheet.

4.1.2 Correspondence from Stuart Grossert, Questions re 6199 Coburg Road

Councillor Uteck noted that no further information has been received with regard to this matter. She indicated that she would be following up with staff in this regard.

5. MOTIONS OF RECONSIDERATION - None

6. **MOTIONS OF RESCISSION** - None

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

10.2 **Case 00564: Approval of Development Agreement - University Avenue and Tower Road, Halifax**

- A memorandum dated January 27, 2004 from Angus E. Schaffenburg, Planner II, was before Community Council for consideration.

Mr. Angus Schaffenburg, Planner, briefly addressed Community Council indicating that Peninsula Community can now approve the Development Agreement for a mixed residential/commercial development at University Avenue and Tower Road.

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

1. **Approve the Development Agreement as set out in Attachment A of the January 27, 2004 staff report for a mixed residential/commercial development; and**
2. **Require that the Development Agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant from the date of final approval by 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 UNANIMOUSLY.

8. **HEARINGS**

8.1 **Public Hearings** - None

8.2 **Variance Hearings**

8.2.1 **Appeal of the Development Officer's Decision to Refuse a Variance Application at 6048 Cunard Street, Halifax**

- A staff report dated January 27, 2004 submitted by Steven Higgins, Development Officer, was before Community Council for consideration.

- The following correspondence was distributed to Council in support of the Development Officer's decision to refuse the variance application at 6048 Cunard Street:
 - Correspondence from Irene Dolile, 6042 Cunard Street
 - Correspondence dated February 2, 2004 from Philip Comeau, 6044 Cunard Street
 - Correspondence dated February 12, 2004 from June O'Brien, 6053 Compton Avenue
 - Correspondence from L. Whitehead and E.J. McLean, 6039 Compton Avenue

Mr. Steven Higgins, Development Officer, reviewed with Community Council the January 27, 2004 staff report regarding the variance application. Mr. Higgins indicated that staff was recommending that Community Council uphold the decision of the Development Officer to refuse the variance.

The Chair called for persons wishing to address Council in this regard. She noted that only those that have been notified or have a special interest are eligible to speak.

Irene Dolile, 6042 Cunard Street

Ms. Dolile addressed Community Council in support of the Development Officer's decision and making the following points:

- Has experienced problems with the number of persons living next door
- The number of garbage bags placed out for collection is over the limit every garbage day
- Stereos blare and there is screaming at night
- Green bin smells
- Property owner has attempted to place the oil tank right on the property line
- Is concerned that a third dwelling will add to the difficulties.

Phil Comeau, 6044 Cunard Street

Mr. Comeau addressed Community Council and using photographs reviewed his letter of February 2, 2004.

Jane MacLean, 6039 Compton Avenue

Ms. MacLean addressed Council in support of the decision of the Development Officer to refuse the request for a variance at 6048 Cunard Street. Ms. MacLean made the following comments:

- The residents of the area live in close proximity to each other
- She and her husband enjoy the mixed use flavour of the neighbour
- Do not want to see the density increase
- Do not want to see the property have more dwellings
- Increased traffic, garbage, noise would result
- Some properties have made parking lot of backyards resulting in a noise issue which impacts the enjoyment of the neighbours backyards

Ms. MacLean, on behalf of June O'Brien, 6053 Compton Avenue, read Ms. O'Brien's letter dated February 12, 2004.

The Chair called three times for persons wishing to speak in favour of or against this matter. Hearing none, it was **MOVED by Councillor Fougere, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Fougere, seconded by Councillor Sloane that Community Council uphold the decision of the Development Officer to refuse the variance and deny the appeal. MOTION PUT AND PASSED UNANIMOUSLY.

8.2.2 Appeal of the Development Officer's Decision to Refuse a Variance Application at 1451 LeMarchant Street, Halifax

- A staff report dated January 30, 2004 submitted by Steven Higgins, Development Officer, was before Community Council for consideration.

Mr. Steven Higgins, Development Officer, reviewed the January 30, 2004 staff report and noted that staff is recommending that Council uphold the decision of the Development Officer to refuse the variance.

In response to a question from Councillor Sloane as to whether three units is extraordinary in the neighbourhood, Mr. Higgins indicated that there are few if any legal three unit homes.

The Chair called for persons wishing to speak in favour of or against the decision to refuse the variance application at 1451 LeMarchant Street.

Mr. Eric Anderson, 1451 LeMarchant Street, the appellant, addressed Community Council in support of the variance. Mr. Anderson explained that he was proposing to renovate to a full store the second half storey. The additional unit is proposed to assist with the construction cost. Mr. Anderson noted that there is one single family dwelling just down the street from his property, the rest are two or three units. Mr. Anderson submitted correspondence in support of the variance from Mrs. Betty Lord, 1421 LeMarchant Street and a document containing five signatures of area residents supporting the proposed variance.

The Chair called three times for persons wishing to speak in favour of or against the variance. Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Fougere that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Uteck leaves the Chair with Councillor Sloane assuming the Chair.

MOVED by Councillor Uteck, seconded by Councillor Fougere that Peninsula Community Council overturn the decision of the Development Officer and allow the variance. MOTION PUT AND PASSED UNANIMOUSLY.

8.2.3 Appeal of the Development Officer's Decision to Approve a Variance Application at 602 and 618 Francklyn Street, Halifax

- A staff report dated February 2, 2004 submitted by Kelly Denty, Development Officer, was before Community Council for consideration.
- Correspondence dated February 10, 2004 from Alan V. Parish, Heritage Trust of Nova Scotia, in support of the Development Officer's decision to approval a variance application at 602 and 618 Francklyn Street, Halifax.

Mr. Steve Higgins, Development Officer, briefly reviewed with Community Council the February 2, 2004 staff report relating to the appeal of the Development Officer's decision to approve an application for a variance at 602 and 618 Francklyn Street. Mr. Higgins indicated that staff was recommending that Council uphold the decision of the Development Officer. Mr. Higgins then responded to questions from members of Community Council.

In responding to a question from Councillor Uteck, Mr. Higgins clarified that if the decision to approve the variance is upheld the buildings will remain, if it is overturned at least one of the four buildings will be demolished.

Mr. Paul Bryant, 710 Francklyn Street

Mr. Bryant addressed Council in opposition to the variance at 602 and 618 Francklyn Street being allowed. Mr. Bryant provided photographs to illustrate his points, as follows:

- These houses are not subject to side yard setbacks and the houses are turned 90 degrees to the street
- The houses were constructed so that the front door of one house looked into the back door of the next

- The photographs illustrate that the houses have had their back yard removed. The former back door and basement entrance has been removed. There is only one front door remaining
- In essence a roadway has been established in what was the back yard of a house approximately nine inches from the back door of a house
- The whole concept of this proposal is to see how a 40 foot roadway can be squeezed in less than forty feet
- Not sure that a 'rule beater' application should be allowed
- Even when you consider it can be done, you will have a very unsightly situation with cars whizzing by nine (9) inches from the back of this house
- Considering the safety aspects, sidewalk has been installed on the north side of street, but lots are being sold on the south side of the street
- There will be at least five to six lots that will not be serviced by sidewalk which will cause safety concerns
- The street does not appear to be of sufficient size to allow on street parking. This will increase parking on Francklyn Street, which in turn will be another cause for concern in terms of safety
- Request that staff/developer go back to the drawing board and come back with a proposal which will address these concerns

Bob House, 607 Francklyn Street

Mr. House addressed Community Council voicing the following concerns:

- There is no solid plan to save the houses
- There is merit to them being saved for heritage reasons, however, without a plan, the neighbourhood could be left with a situation where the houses are derelict
- Urged that Community Council first ensure a plan is in place and not simply grant the variance with the hope that the best happens

Mr. Alan V. Paris, Heritage Trust of Nova Scotia

Mr. Paris addressed Community Council making the following comments:

- Heritage Trust believes that these house will add to the charm of Francklyn Street
- The houses face Francklyn Street and in the initial plans the side of a new building was to face Francklyn street. The ambiance of Francklyn Street has been maintained
- Do not believe that safety will be an issue as there will be only eight homes on a small street, similar to many other streets in HRM
- These homes were built as professors homes between 1894 and 1901
- Heritage Trust is very thankful the developer has seen fit to develop the property in such a manner as to retain the houses

- Believe that the houses will sell quickly and look even better when they have individual owners living in them

Mr. Rob Merchant, 702 Francklyn Street

Mr. Merchant addressed Community Council noting the following:

- He lives in a 100 year old house and knows the cost of renovation
- It would be very expensive for someone to come along to restore the house. For example, the asbestos would have to be removed from the homes, and all new electrical and plumbing would have to be installed
- He is in favour of trying to do restore the homes, but believes it is a bit of stretch
- Suggested that four units in each house may be the only economically feasible answer, and he would not be in favour of such a change
- Requested that Community Council not approve the variance until there is some commitment from the university or developer with regard to the houses

Janet House, 607 Francklyn Street

Ms. House addressed Community Council making the following points:

- Live directly across from these houses and they are very interesting
- She and her husband have recently renovated a home built in the 1960s and it was extremely expensive
- To renovate these houses would be very expensive
- Urged Council to require a proposal relating to what will be done with these houses before the variance is granted to ensure they will stay single family

The Chair called three times for persons wishing to speak in favour or against.

Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Fougere that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

In response to a question for Councillor Fougere, Mr. Higgins confirmed that there is a valid demolition permit in place relative to the four properties.

Councillor Uteck leaves the Chair and Councillor Sloane assumes the Chair.

MOVED by Councillor Uteck, seconded by Councillor Fougere that a decision with regard to this matter be deferred pending staff meeting with the developer and interested residents to address the concerns brought forward this evening. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

9.1.1 Correspondence - Development Trends on the Peninsula

Councillor Uteck submitted correspondence on behalf of Guy Joudry, 948 McLean Street and Wayne Bennet, 934 McLean Street expressing concern regarding development trends on the Peninsula. Councillor Uteck requested that this correspondence be referred to staff for comment.

9.2 Petitions

9.2.1 Petition - Councillor Sloane re On Street Residential Parking Pass Policy for West Street

Councillor Sloane, referring to a petition she had submitted to Regional Council and the staff response received which indicated a completed petition would be required to proceed, submitted a second completing petition on behalf of residents of West Street requesting the Traffic Authority develop an on-street Residential Parking Policy.

9.3 Delegations - None

10. REPORTS

10.1 Case 00527: Development Agreement - Gerrard Lodge, 1226/1230 Barrington Street, Halifax

- A report from Heather Ternoway, Chair, District 12 Planning Advisory Committee, dated January 27, 2004, was before Community Council for consideration.

Thanking Peninsula Community Council for the opportunity to present, Ms. Heather Ternoway, Chair, District 12 Planning Advisory Committee, reviewed the recommendation of the District 12 Planning Advisory Committee. She noted that the Committee believed there were points in the recommendation which require particular emphasis and clarification.

The highlights of Mr. Ternoway's presentation were:

- The District 12 PAC has recommended approval of the Development Agreement with amendments that ensure the development is sympathetic and consistent with the heritage character of the building and the entire neighbourhood

- Community Council should not settle for mediocre development anywhere in the HRM, particularly in the downtown core
- Utilizing photographs, Ms. Ternoway reviewed the proposed amendments to the Development Agreement
- The photographs further illustrated the character of the neighbourhood including some new development which is sympathetic to that character
- With reference to points 2.5 and 2.6 of the recommendation, Mr. Ternoway expressed concern that the drawings are either incomplete or inaccurate. There are several problems with the roof line including one of the roof lines on the rear elevation which should be continued to the other side. There is also a problem with an addition on the top of the existing mansard roof in that it might block some of the windows on one side of the building
- Recommended that detail drawings particularly for the changes to the roof line be submitted to the HAC and the PAC prior to any final decision

Councillor Sloane addressed the matter supporting the Committee's recommendation and the request for more detailed drawings.

Councillor Uteck noted that staff should be provided an opportunity to comment on this matter. She went on to express concern that the recommendations questioned the decision of the HAC to approve the development. She went on to clarify that the Development Agreement at this stage was a concept plan and the developer was not required to provide the detail being requested by the PAC.

MOVED by Councillor Fougere, seconded by Councillor Sloane that Peninsula Community Council set March 8, 2004 for a public hearing to consider Case 00527, Development Agreement - Gerrard Lodge, 1226/1230 Barrington Street and request staff to bring forward a supplementary report to address the concerns raised by the District 12 PAC. MOTION PUT AND PASSED.

10.2 Case 00564: Approval of Development Agreement - University Avenue and Tower Road, Halifax

This matter was dealt with earlier in the meeting.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Case 00570 - Amendment to Development Agreement - Halifax Shopping Centre Annex, 6990 Mumford Road, Halifax

- A staff report dated February 2, 2004 submitted by Paul Dunphy, Director, Planning and Development Services, was before Community Council for consideration.

MOVED by Councillor Fougere, seconded by Councillor Sloane that Peninsula Community Council give Notice of Motion to consider an application by 20 Vic Management Inc. to amend the development agreement for 6990 Mumford Road, Halifax and schedule a public hearing for March 8, 2004

MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

14. PUBLIC PARTICIPATION

Councillor Sloane advised that a skating rink is being proposed for the soccer field at Sexton Hall on South Street.

Noting that Mr. Eric Turner, Chebucto Road was in the gallery this evening, Councillor Fougere advised that a letter addressing Mr. Turner's concerns regarding the rezoning of his property to R-1 would be provided in the near future. Information which was required to complete the response was received only recently.

Hugh Pullen, 6260 Oakland Road

Mr. Pullen, for his own information, asked why the Solicitor leaves during Peninsula Community Council meetings.

The Chair indicated that the Solicitor is present for public hearings only.

Mr. Clary Kempton, a member of the District 12 PAC

Mr. Kempton addressed Community Council making the following points:

- He supported Ms. Ternoway's comments made this evening
- There is concern as a Committee that Gerrard Lodge can be altered and an addition put on the back of the property without proper information being put forward
- The Committee is recommending that the matter go to a public hearing, however, they are also recommending that proper drawings be available at the public hearing._

15. NEXT MEETING

The next meeting of Peninsula Community Council is scheduled Monday, March 8, 2004 beginning at 7:00 p.m.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.

Sherryl Murphy
Legislative Assistant