

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES May 10, 2004

PRESENT: Councillor Sue Uteck, Chair
Councillor Dawn Sloane
Councillor Sheila Fougere
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 7:00 p.m.

The Chair introduced Mr. Joe Ryan, Acting District Chief present in the gallery this evening. Councillor Uteck explained that a representative of Fire Services would be attending Peninsula Community Council on a regular basis to respond to any questions which may arise.

2. APPROVAL OF MINUTES

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the minutes of Peninsula Community Council held on March 8, 2004, as distributed, be approved. MOTION PUT AND PASSED.

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

There were no additions to the agenda.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Public Participation - Update Report on Development at 2541 Phillips Street

- An information report dated May 5, 2004 prepared for Paul Dunphy, Director, Planning Services, was before Community Council for consideration.

As the information report responds to this matter, the item may be removed from the status sheet.

4.1.2 Correspondence - Development Trends on the Peninsula

- An information report dated April 8, 2004 prepared for Paul Dunphy, Director, Planning Services, was before Council for consideration.

As the information report responds to this matter, the item may be removed from the status sheet.

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

- An information report dated April 20, 2004 submitted by Ken Reashor, P. Eng., Traffic Authority, was before Council for consideration.

As the information report responds to this matter, the item may be removed from 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 Appeal of Development Officer's decision to refuse a variance to create a duplex dwelling at 2050 Beech Street

- A staff report dated May 10, 2004 submitted by Steven Higgins, Development Officer, was before Community Council for consideration.

Mr. Steven Higgins, Development Officer, reviewed the May 10, 2004 staff report outlining the reasons for refusal of the variance. Mr. Higgins responded to questions from members of Council.

Mr. Alan Jeffers, the appellant

Mr. Jeffers clarified that the property was located on the east side of Beech Street. He further noted that since he had purchased the property two weeks ago, the property was vacant and not being operated as a boarding house.

Mr. Jeffers went on to make the following points in support of his application for a variance:

- the intent is to take what is essentially a dilapidated building and renovate

- also intend that the property be owner occupied with a ground level or basement apartment
- the house will have a Victorian look in keeping with the neighbourhood
- a number of two unit properties already exist in the area
- lot sizes are relatively consistent in the area

In response to a question from Councillor Sloane, Mr. Jeffers indicated that he had spoken with his neighbours about what he planned to do with the property and had not received any negative comments.

Mr. Tim Strenthen, 2049 Beech Street

Mr. Strenthen addressed Community Council expressing concern that the balance of family occupied dwellings on the street be maintained. He went on to note that this variance may well set a precedent which would have a significant impact on the neighbourhood.

Ms. Elizabeth Cavanagh, 2059 Beech Street

Ms. Cavanagh addressed Community Council advising that she had not been made aware of the proposed renovation by the owner. She went on to suggest that the present renovation may be acceptable; however, in future years if the property is sold the neighbourhood may experience the same type of problems being experienced today. She went on to express concern that allowing multiple unit dwellings in a small area creates problems with parking and noise.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Fougere, recognizing the concerns expressed this evening, noted that this property has been a very real problem for the immediate neighbours and the community Police. She went on to indicate that the abutting neighbours are very happy that the property will be owner occupied. The apartment in the basement is intended to offset an expensive renovation of the property. Councillor Fougere went on to clarify that R-2 zoning permits four units.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that the decision of the Development Officer be overturned and the appeal be granted. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

- 9.2 **Petitions** - None
- 9.3 **Delegations** - None
- 10. **REPORTS** - None
- 11. **MOTIONS** - None
- 12. **ADDED ITEMS** - None
- 13. **NOTICES OF MOTION** - None
- 14. **PUBLIC PARTICIPATION**

Mr. John Sharples, Phillip Street

Mr. Sharples, referring to the May 5, 2004 information report, noted that he was confused. Mr. Sharples expressed dissatisfaction with the balconies and sought clarification of exactly how many different plans existed, and why the R-1 zoning put in place in December would not apply to this property. In closing, Mr. Sharples indicated that he was displeased with what has happened with regard to this property.

Mr. Steve Higgins, providing clarity, advised that in this instance the developer had options including application for a variance, revision of the plans or altering the boundary of the property. Mr. Higgins noted that the requested variance was denied, the developer had amended the design of his building, and had added to his property through the purchase of the rear lot.

Mr. Higgins went on to note that the Development permit for the property was acquired in March 2003 and changes to the Land Use Bylaw cannot be applied to properties for which a Development permit exists. With reference to the balconies, Mr. Higgins noted these were included in the original revisions and were in keeping with the Land Use Bylaw.

- 15. **NEXT Meeting** - Monday, June 14, 2004
- 16. **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:30 p.m.

Sherryll Murphy

Legislative Assistant