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Halifax Regional Council
January 31, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: M. E. Donovan
M. E. Donovan, A/D Legal Services

DATE: January 13, 2006

SUBJECT: Amalthea Holdings Limited - Planning Appeal - Refusal of a Revision to a Development Permit for the Construction of Additions (Balconies) to a Building on Property Located at 5621 Rainnie Drive, Halifax

INFORMATION REPORT

ORIGIN

This report originates as a result of an appeal of a decision of Development Officer, Andrew Faulkner to refuse an application requesting a revision to Municipal Development Permit No. 64528 for construction of balconies as additions to the structure on the property approved by Municipal Development Permit No. 64528.

BACKGROUND AND DISCUSSION

On November 1, 2005, Amalthea Holdings Limited, made an application to HRM Planning and Development Services requesting a revision to Development Permit No. 64528 for the construction of balconies as additions to the structure on the property which has been approved by that permit. The property is regulated under the Halifax Peninsula Land Use By-law and is currently zoned P (park and institutional zone). The zone requires that buildings erected, altered or used for P uses in the P zone comply with the requirements of the R-3 zone.

Section 47(5) of the Land Use By-law applied to the application. That section states as follows:

“Balconies, Cornices, Eaves and Canopies

47(5) Notwithstanding the provisions of subsection 3 and 4 of this section, separate individual balconies, which are open on three sides, cornices, eaves and canopies may project through the angular planes as determined in such subsections; provided, however, that any part of such projection shall not be less than ten feet from any lot line of such lot.”

The Development Permit at the time of the application for revision permitted the Applicant to construct a special care facility.

The Application for revision was reviewed by Development Officer, Andrew Faulkner. The Development Officer determined that the proposal did not meet the requirements as the proposed additions were not balconies. The Development Officer refused the application on that basis.

The Applicant appealed the decision of the Development Officer to the Nova Scotia Utility and Review Board. On January 6, 2006 the appeal was withdrawn by the Applicant.

On January 5, 2006, permit No. 64528 was cancelled at the request of the Applicant and a new Development Permit, No. 74176 was issued to the Applicant to construct a philanthropic/institutional building.

BUDGET IMPLICATIONS

N/A.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

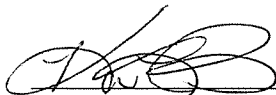
N/A.

ATTACHMENTS

None.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by :



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