

# **HALIFAX REGIONAL MUNICIPALITY**

---

## **PENINSULA COMMUNITY COUNCIL MINUTES JULY 14, 2003**

**PRESENT:** Councillor Sheila Fougere, Chair  
Councillor Jerry Blumenthal (7:35 p.m)  
Councillor Dawn Sloane  
Councillor Sue Uteck

**STAFF:** Mr. Barry Allen, Solicitor  
Ms. Sherryll Murphy, Legislative Assistant

**TABLE OF CONTENTS**

1.	CALL TO ORDER .....	4
2.	APPROVAL OF MINUTES .....	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	Stagnant Water - 5620 South Street .....	4
12.1	Case 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use Bylaw for 5251 South Street, Halifax .....	5
5.	MOTIONS OF RECONSIDERATION - None .....	5
6.	MOTIONS OF RESCISSION - None .....	5
7.	CONSIDERATION OF DEFERRED BUSINESS .....	5
8.	HEARINGS .....	5
8.1	Public Hearings .....	5
8.1.1	Case #00545: Development Agreement - Former Kidston Glass Site, Brunswick Street and Portland Place, Halifax .....	5
8.1.2	Case #00522: Development Agreement - Former Alexandra School Site, Brunswick, Cornwallis and Maitland Streets, Halifax .....	8
8.2	Variance Hearings .....	10
8.2.1	Appeal of the Development Officer's Decision to Refuse a Variance for Property at 6394 Chebucto Road, Halifax .....	10
8.2.2	Appeal of the Development Officer's Decision to Refuse a Variance for Property at 6313 Yukon Street, Halifax .....	11
8.2.3	Appeal of the Development Officer's Decision to Approve a Variance for Property at 5689 Cunard Street, Halifax .....	13
8.2.4	Appeal of the Development Officer's Decision to Refuse a Variance for Property at 2491 Quinn Street, Halifax .....	16
8.2.5	Appeal of the Development Officer's Decision to Refuse a Variance for Property at 2541 Phillip Street, Halifax .....	18
8.2.6	Appeal of the Development Officer's Decision to Refuse a Variance for Property at 6420 Cloverdale Road, Halifax .....	21

---

9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS .....	22
9.1	Correspondence .....	22
9.1.1	Correspondence - Councillor Uteck for Mr. J. S. Grasser re 6199 Coburg Road .....	22
9.2	Petitions - None .....	22
9.3	Delegations - None .....	22
10.	REPORTS .....	22
10.1	Case 00461 - Request to Amend the Halifax Municipal Planning Strategy and Land Use Bylaw for 1270 Oxford Street, Halifax .....	22
10.2	Case 00544 - Amendment to Development Agreement, 1079 Queen Street .....	22
10.3	Case 00518 - Application for Development Agreement - Keith's Brewery .....	23
11.	MOTIONS .....	23
12.	ADDED ITEMS .....	23
12.1	Case 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use Bylaw for 5251 South Street, Halifax .....	23
13.	NOTICES OF MOTION - None .....	23
14.	PUBLIC PARTICIPATION - None .....	23
15.	NEXT MEETING .....	23
16.	ADJOURNMENT .....	23

**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**2. APPROVAL OF MINUTES - June 9, 2003**

**MOVED by Councillor Uteck, seconded by Councillor Sloane that the minutes of the Peninsula Community Council held on June 9, 2003 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 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use Bylaw for 5251 South Street, Halifax

Deletions:

- 10.3 Case 00518 - Application for Development Agreement - Keith's Brewery

At the request of Councillor Uteck, it was agreed that agenda item 12.1 Case 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use Bylaw for 5251 South Street, Halifax be dealt with immediately following Business Arising out of the Minutes.

**MOVED by Councillor Sloane, seconded by Councillor Uteck that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**4.1 Status Sheet**

**4.1.1 Stagnant Water - 5620 South Street**

There was no information received regarding this matter. This matter will remain on the status sheet.

**12.1 Case 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use Bylaw for 5251 South Street, Halifax**

- This matter was added to the agenda during the setting of the agenda.

Councillor Uteck noting that at a meeting of Peninsula Community Council held on July 8, 2003, a public hearing with regard to this matter had been denied. After consultation with senior staff, she now concurs that the matter should to proceed to a public hearing.

**MOVED by Councillor Uteck, seconded by Councillors Sloane that:**

1. **Regional Council give First Reading to the proposed amendment to the Halifax Municipal Planning Strategy and the Halifax Land Use Bylaw, presented as Attachment III of the June 19, 2003 staff report, and schedule a public hearing.**
2. **Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw, presented in Attachment III of the June 19, 2003 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **HEARINGS**

8.1 **Public Hearings**

**8.1.1 Case #00545: Development Agreement - Former Kidston Glass Site, Brunswick Street and Portland Place, Halifax**

- This matter was given First Reading at the June 9, 2003 meeting of Peninsula Community Council.
- The following correspondence was received in favour of the proposal:
  - < Correspondence from Margaret Stewart and Shahin Sayadi, Owners and Operators of Persian Bazaar, Gottingen Street
  - < Correspondence from Robert Risley, President, RCR Investment

- < Correspondence dated July 10, 2003 from Don and Donna Hunt, 2099 Gottingen Street
- < Correspondence dated July 11, 2003 from Stephen D. Abbass, President, The Store Equipment Store, 2053 Gottingen Street
- < Correspondence dated July 14, 2003 from Albert J. Sumarah and Roger J. Sumarah, Argyle T.V. Sales and Service

Mr. Kevin Barrett, Heritage Planner, made a joint presentation relative to Case #00545, proposed Development Agreement for the former Kidston Glass Site, Brunswick Street and Portland Place, Halifax and Case #00522, Development Agreement for the former Alexandra School Site, Brunswick, Cornwallis and Maitland Streets, Halifax, as set out in staff reports dated May 12, 2003 and May 21, 2003. Mr. Barrett noted that staff was recommending approval of both proposals, however, the following amendment is proposed relative to the Development Agreement for the former Alexandra School Site:

### **PART 3: AMENDMENTS**

- 3.1 The provisions of this Agreement relating to the following matters are identified as and shall be deemed to be not substantial and may be amended by resolution of Peninsula Community Council:
- < the discharge of a small portion of the site (approximately nine feet by 147 feet) that directly abuts 2138 (PID #00149807), 2140 (PID #00149799) and/or 2146 (PID #41020405) Brunswick Street.

The Chair called for persons wishing to speak in favour of or against the proposal for the former Kidston Glass site.

#### **Ms. Janet Morris, Portland Place**

Ms. Morris addressed Community Council making the following points:

- The proposal for the site is residential with parking
- Access to her property is insufficient as it is a 15 foot right of way
- Her understanding was that her needs would be considered with the re-development of the site and the present proposal does not meet those needs
- In fact, her situation is worsened relative to snow clearing, utility and emergency vehicles
- She does not believe that with the fencing proposed it would be possible to save the trees at the rear of her property, as well as, provide for parking
- The proposal does not meet the requirements of the Brunswick Comprehensive Development District
- If the proposal met the requirements, her needs in terms of access could be accommodated

- The alternative of parking at the front of her building is not desirable

**Mr. Ross Cantwell, proponent for the Development**

Mr. Cantell addressed Community Council making the following points:

- The site is an exceptionally difficult site to develop
- Have consulted with the property owners in the area, including Ms. Morris, on a number of occasions
- Ms. Morris's initial concerns were height, access by pedestrians, views of the harbour from the top floor, all of which have been addressed
- Have provided Ms. Morris with an easement to the rear of her property without cost
- Believe it is possible to get access to the rear of the property without removing the tree
- Believe that this proposal is a very positive project for the neighbourhood

**Calyn McLellan, 2193 Gottingen Street**

Mr. McLellan addressed Community Council making the following points:

- As a merchant on Gottingen Street he is pleased to see these residential units as this will result in an increase in business
- Regarding concerns that these units are not affordable, affordable housing is an issue which needs to be considered across the city, not only in the Gottingen Street area
- The proposal does not increase urban sprawl
- Overall, this development is very welcome

**David Eisner, 2193 Gottingen Street**

Mr. Eisner addressed Community Council in favour of the proposal.

**Tony Metledge, 2019 Gottingen Street**

Mr. Metledge addressed Community Council making the following points:

- He supports the development
- Geographically the Gottingen Street area is an excellent area in this city
- Development of this quality is good for the city

**Todd Hawkins, 2110 Brunswick Street**

Mr. Hawkins addressed Community Council indicating that he supports the development providing that the plan remains as presented this evening and does not revert to previous plans.

**Craig Walkerton, 5320 Cornwallis Street**

Mr. Walkerton, as a member of the Executive of the Cornwallis Street Condominium Corporation and a member of the Residents Association, indicated he was in favour of the proposal as it has been presented this evening.

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

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

**MOVED by Councillor Sloane, seconded by Councillor Uteck that Peninsula Community Council:**

- 1. Approve the development agreement, presented in Attachment I of the May 12, 2003 staff report, to permit a 22 unit residential development on the former Kidston Glass site, at Brunswick Street and Portland Place, Halifax.**
- 2. Require the development 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.**

**8.1.2 Case #00522: Development Agreement - Former Alexandra School Site, Brunswick, Cornwallis and Maitland Streets, Halifax**

- This matter was given First Reading at the June 9, 2003 meeting of Peninsula Community Council.
- The following correspondence was received in favour of the proposal:
  - < Correspondence dated July 9, 2003 from Brian R.F.Lugar, Vice President, Novacorp Properties Limited
  - < Correspondence from Margaret Stewart and Shahin Sayadi, Owners and Operators of Persian Bazaar, Gottingen Street
  - < Correspondence from Robert Risley, President, RCR Investment
  - < Correspondence dated July 10, 2003 from Don and Donna Hunt, 2099 Gottingen Street
  - < Correspondence dated July 11, 2003 from Stephen D. Abbass, President, The Store Equipment Store, 2053 Gottingen Street
  - < Correspondence dated July 14, 1003 from Albert J. Sumarah and Roger J. Sumarah, Argyle T.V. Sales and Service



Mr. Kevin Barrett, Heritage Planner, made a joint presentation relative to Case #00545, proposed Development Agreement for the former Kidston Glass Site, Brunswick Street and Portland Place, Halifax and Case #00522, Development Agreement for the former Alexandra School Site, Brunswick, Cornwallis and Maitland Streets, Halifax, as set out in staff reports dated May 12, 2003 and May 21, 2003. Mr. Barrett noted that staff was recommending approval of both development agreements, however, the following amendment is proposed relative to the Development Agreement for the former Alexandra School Site:

### **PART 3: AMENDMENTS**

3.1 The provisions of this Agreement relating to the following matters are identified as and shall be deemed to be not substantial and may be amended by resolution of Peninsula Community Council:

- < the discharge of a small portion of the site (approximately nine feet by 147 feet) that directly abuts 2138 (PID #00149807), 2140 (PID #00149799) and/or 2146 (PID #41020405) Brunswick Street.

The Chair called for persons wishing to speak in favour or against the proposal relative to the former Alexandra School site.

#### **Mr. Craig Walkerton, 5320 Cornwallis Street**

Mr. Walkerton addressed Community Council indicating his support for the proposal.

#### **Debra Ross, 2138 Brunswick Street**

Ms. Ross addressed Community Council making the following points:

- < The proposed development works for the site
- < Would like to see this development move forward in the same spirit of cooperation as it has been developed
- < It would be helpful for area residents to have a schedule for construction and blasting.

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

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

**MOVED by Councillor Sloane, seconded by Councillor Uteck that Peninsula Community Council:**

1. **Approve the development agreement, with the following amendment, as presented in Attachment I of the May 21, 2003 staff report, to permit a 64 unit residential development on the former Alexandra School site, at Brunswick, Cornwallis, and Maitland Streets, Halifax:**

**PART 3: AMENDMENTS**

- 3.1 **The provisions of this Agreement relating to the following matters are identified as and shall be deemed to be not substantial and may be amended by resolution of Peninsula Community Council:**
  - **the discharge of a small portion of the site (approximately nine feet by 147 feet) that directly abuts 2138 (PID #00149807), 2140 (PID #00149799) and/or 2146 (PID #41020405) Brunswick Street.**
2. **Require the development 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.**

**8.2 Variance Hearings**

**8.2.1 Appeal of the Development Officer's Decision to Refuse a Variance for Property at 6394 Chebucto Road, Halifax**

- A staff report dated July 3, 2003 submitted by Steven Higgins, Development Officer, was before Community Council for consideration.

Mr. Steven Higgins, Development Officer, briefly reviewed the staff report regarding the Development Officer's decision to refuse a variance from the requirements of the land use bylaw to allow for a third dwelling unit at 6394 Chebucto Road in Halifax. Mr. Higgins noted that staff was recommending that Community Council uphold the decision of the Development Officer.

The Chair called for persons wishing to speak in favour of or against this matter.

**Lillianne Dube5, the Appellant**

Ms. Dube5 addressed Council making the following comments:

- The variance sought is to allow for the construction of an addition of a small one bedroom apartment above the existing addition
- The addition will provide a home for Ms. Dube5 when her disabled daughter seeks greater independence, but requires emergency care close at hand
- The variance does not increase the footprint of the building, nor would increased parking be required

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

Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

At the request of Councillor Fougere, Councillor Sloane assumed the Chair and Councillor Fougere took her seat.

**MOVED by Councillor Fougere, seconded by Councillor Blumenthal that the decision of the Development Officer to refuse the variance be overturned and the variance be allowed.**

Councilor Fougere gave the following reasons for her motion:

- The lot is double the size of others in the neighbourhood
- The situation is still a single family
- The footprint of the building will remain the same
- This situation is unique as it is an accessible property
- There has been no opposition from the neighbourhood

**MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Fougere resumed the Chair and Councillor Sloane returned to her seat.

**8.2.2 Appeal of the Development Officer's Decision to Refuse a Variance for Property at 6313 Yukon Street, Halifax**

- A staff report dated July 2, 2003 submitted by Steven Higgins, Development Officer, was before Council for consideration.

- Correspondence dated July 11, 2003, in favour of the variance being granted, from Kate McKenna and Douglas P. Weatherton, 2225 Harvard Street, was distributed to members of Council.

Mr. Steven Higgins, Development Officer, briefly reviewed the staff report relative to his decision to refuse a variance to relax the maximum site coverage requirements to allow for a one storey rear addition at 6313 Yukon Street. Mr. Higgins indicated that staff is recommending that Community Council uphold the decision of the Development Officer.

Mr. Higgins responded to questions from members of Council.

The Chair called for persons wishing to speak in favour of or against this matter.

**Carol Grantham, the Appellant**

Ms. Grantham made a brief presentation, a copy of which is on file, including a number of exhibits. Ms. Grantham made the following points:

- The proposed addition is an all season sunroom
- The addition will provide a greater sense of security
- It will also make the kitchen more comfortable during the winter months (less drafty)
- It will not detract from the neighbour's view planes, cast shadows on their backyards, nor will it impinge on the applicant's large garden area
- The neighbours, for the most part, support the proposal
- Other properties in the neighbourhood have constructed major additions over the last number of years

**Bill Scrymogeour, 6316 Yukon Street**

Mr. Scrymogeour addressed Community Council in favour of the application for a variance noting that:

- This proposal essentially is to enclose a deck area to make a sunroom
- He has no objection to the proposal, nor do the majority of residents in the area

**Judy Taylor, 6317and 6319 Yukon Street**

Ms. Taylor addressed Community Council in favour of the application for a variance commenting that:

- She believed that many properties in the area exceeded the 35% lot coverage requirement
- The variance should be approved based on the precedent set by other additions in the area

**Ms. Mary Jurgens, 6307 and 6309 Yukon Street**

Ms. Jurgens addressed Community Council noting that her concern was that the addition would block the sun from the backyard of her property at 6307/09. She noted that the tenant has worked very hard to bring the back yard to life with flower beds, etc.

**Ben Hensbee, 6288 Allan Street**

Mr. Hensbee addressed Community Council in support of the variance.

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

Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

At the request of Councillor Fougere, Councillor Sloane assumed the Chair and Councillor Fougere took her seat.

**MOVED by Councillor Fougere, seconded by Councillor Blumenthal that the decision of the Development Officer to refuse the variance be overturned and the variance be allowed.**

Councillor Fougere indicated that the lots are quite large and the variance is not significant given the size of the buildings in the area.

Councillor Uteck requested that the applicant take into consideration Ms. Jurgens' concerns.

**MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Fougere resumed the Chair and Councillor Sloane returned to her seat.

**8.2.3 Appeal of the Development Officer's Decision to Approve a Variance for Property at 5689 Cunard Street, Halifax**

- A staff report dated July 2, 2003 submitted by Steven Higgins, Development Officer, was before Community Council for consideration.

Mr. Steven Higgins, Development Officer, reviewed the staff report relative to the approval of an application for a variance from the minimum street frontage requirement to allow for the construction of a ten (10) unit apartment building. Mr. Higgins noted that staff is recommending that Council uphold the decision of the Development Officer.

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

The Chair called for persons wishing to speak in favour of or against this matter.

**Mr. Peter Connor, Con Architects and Planners**

Mr. Peter Connor, representing the applicant, addressed Community Council and using an animated presentation depicted the proposal in context to the neighbourhood. Mr. Connor noted that there was an option without the turret as shown in the original depiction. He went on to depict the impact of the building in terms of shadows during both the summer and winter equinox. In conclusion, Mr. Connor gave an animated presentation of the allowable commercial use for the space, noting that it was significantly larger than the residential proposal before Community Council this evening.

**Ms. Peg MacInnis, 5680 Woodill Street**

Ms. MacInnis addressed Community Council submitting the following correspondence:

- < E-mail from Stephen Cross dated July 14, 2003 expressing concern re possible contaminants on the site
- < E-mail from Larry Steele in opposition to the proposal
- < E-mail from Christian Murray dated July 13, 2003 in opposition to the development

Ms. MacInnis went on to make the following points:

- Variances are approved not only utilizing the requirements of the MGA, but based upon the broad discretion of the Development Officer
- There has been very little opportunity for consultation provided to the citizens
- The site has been vacant for 40 years and contaminants are a concern
- The adjacent Armouries are a registered heritage site, as well as, being a historically significant building in this part of the city
- The design which is proposed to mimic the Armouries, will take away from this significant building
- The neighbourhood has enough high density development
- This proposal will have an Impact on privacy and shading in the neighbourhood
- The proposal deserves more than just a cursory look

**Edward Pyle, 5690 Woodill Street**

Mr. Pyle addressed Community Council making the following remarks:

- Noted that he had met with the Developers to look at the original plan and had expressed concerns
- Had requested a 3-D rendering as was presented this evening
- Residents of the neighbourhood are not in favour of a building of the size proposed - believe it to be eight (8) stories

- The proposal will towers over the armoury and will take away from the Amouries
- Not opposed to development, but would like to see something developed on the site which fits in with the neighbourhood
- Perhaps the main objection is that the proposal does not fit with the neighbourhood
- Expressed concern regarding the neighbourhood's right to light and when this would be considered. The development appears to be larger than originally proposed
- Voiced concern regarding contamination of the site and the need for a full environmental clean up rather than the small amount of soil which is to be remediated under this proposal

**Doug Banford, Harris Street**

Mr. Banford addressed Community Council making the following points:

- The nature of the neighbourhood is unique within the downtown of Halifax
- A development of this scale will have an impact on the homes in the neighbourhood
- Parking is an issue in our neighbourhood. Questioned whether parking has been addressed with this development.
- This development is antithesis of the Kidston Glass site.
- Urge Community Council to reconsider given the nature of the neighbourhood

**Brent Mosher, 2355 Agricola Street**

Mr. Mosher addressed Community Council noting the following:

- He chose this neighbourhood because of the nature of the neighbourhood
- Does not want to see the neighbourhood suburbanized
- Understands the need to stop urban sprawl
- This development is not appropriate, it does not respect the neighbourhood

**Brainard Fitzgerald, the property owner**

Mr. Fitzgerald addressed the Community Council noting that:

- The proposal is five rather than the quoted eight stories
- He is in possession of the environmental assessment and the property contains heavy metals, similar to those which occur all over the north end
- Believe the development to be sensitive to Cunard Street
- It would be irresponsible not to develop
- The development would add to the mix and the mix is already there.

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

Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Peninsula Community Council uphold the Development Officer's decision to grant the development.**

Councillor Uteck indicated that she hoped that the developer would attempt to consult with the neighbourhood relative to their concerns.

Staff responded to a variety of questions from members of Council.

Councillor Sloane noting that the proposed development was as of right, asked what the area can do to ensure that this type of development does not proceed without consultation.

In response, Mr. Higgins referred to a number of possibilities including requiring that every development require a Development Agreement, a Comprehensive Development District or a change in the regulations. Mr. Higgins indicated that he would forward to the Councillor the options available.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2.4 Appeal of the Development Officer's Decision to Refuse a Variance for Property at 2491 Quinn Street, Halifax**

- A staff report dated July 4, 2003 submitted by Steven Higgins, Development Officer was before Community Council for consideration.

Mr. Trevor Creaser, Planning Technician, reviewed the staff report relating to an application for a variance of the land use bylaw to permit the creation of a two unit duplex at 2491 Quinn Street. Mr. Creaser indicated that staff is recommending that Community Council uphold the decision of the Development Officer.

The Chair called for persons wishing to speak in favour of or against this matter.

**Mr. Allan McDiarmid, 2460 Armcrescent West**

Mr. McDiarmid addressed Community Council indicating that this proposal would set a precedent for the area. He indicated that he was opposed to the proposal. Mr. McDiarmid submitted a letter dated July 7, 2003 reflecting this position.

**Mary Jane Cadegan, 2500 Quinn Str.**

Ms. Cadegan addressed Community Council making the following points:

- There is no compelling reason to grant the variance



- The small bungalows in the area would be under the same sort of limitation as 2491 Quinn Street, but if this variance is granted it will be more difficult for the municipality to deny similar requests

Ms. Cadegan submitted a petition containing the signatures of 15 area residents who are opposed to the proposal.

**Tom Hoyle, 2450 Armcrescent West**

Mr. Hoyle addressed Community Council indicating that his concern is that a parking lot will be created at the back of his property.

**Tim Crowley, the Appellant**

Mr. Crowley addressed Community Council noting that:

- There are no less than 22 flats already in the area
- The development does not change the footprint of the building
- Parking is for three vehicles in the rear and the parking is 67 feet from the rear of the adjacent properties
- The proposal is consistent with the neighbourhood
- If this variance is not approved, this property will be a very lovely single family dwelling

**David Landrigan, 2471 Quinn Street**

Mr. Landrigan addressed Community Council noting that he objected to the proposal and that, for the most part, the side of the street on which the proposal is located is primarily single family dwelling.

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

Hearing none, it was **MOVED by Councillor Uteck, seconded by Councillor Sloane that the hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

At the request of Councillor Fougere, Councillor Sloane assumed the Chair and Councillor Fougere took her seat.

**MOVED by Councillor Fougere, seconded by Councillor Blumenthal that the Peninsula Community Council uphold the decision of the Development Officer to refuse the variance. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Fougere resumed the Chair and Councillor Sloane returned to her seat.

**8.2.5 Appeal of the Development Officer's Decision to Refuse a Variance for Property at 2541 Phillip Street, Halifax**

- A staff report dated July 4, 2003 submitted by Steven Higgins, Development Officer, was before Community Council for consideration.
- Correspondence dated July 10, 2003 from 22 residents of the area in opposition to the proposal was submitted.

Mr. Steven Higgins, Development Officer, reviewed the staff report relative to the refusal of a variance to allow the construction of a single storey, 500 square foot addition to the rear of the property at 2451 Phillip Street. Mr. Higgins advised that staff is recommending that Council uphold the decision of the Development Officer to refuse.

Mr. Higgins responded to questions from members of Council.

The Chair called for persons wishing to speak in favour of or against this matter.

**John Sharpells, 2531 Phillip Street**

Mr. Sharpells addressed Community Council making the following points:

- Spoke in favour of the decision of the Development Officer
- The proposal represents a significant change from a 1.5 storey residence
- This is no minor variance
- The proposal towers over the other properties in the area
- Urged Community Council to refuse the variance and order a speedy enforcement

**Glenda Butt, 2542 Phillip Street**

Ms. Butt addressed Community Council commenting as follows:

- The information relative to this proposal has been inconsistent and appears to change by the week
- Expressed concern regarding the removal of the barrier allowing for a right of way from Sherwood Street to Churchill Street will increase the density of traffic and the traffic patterns
- The structure towers over the other properties in the neighbourhood and there will be a loss of privacy
- Voiced concern for safety in terms of the cars coming out of underground lot being unable to see
- Noted a concern that there will be additional development of this nature in the neighbourhood.
- The area needs to be rezoned to ensure this type of development does not occur

**Frank Butt, 2542 Philip Street**

Mr. Butt addressed Community Council making the following remarks:

- The footprint of the proposal is huge relative to other buildings in the area
- The proposal is three storey with a mezzanine, but is actually four stories
- Even though an addition would be required to the front of the property if the addition at the back is removed, residents do not believe the violation of the law should proceed

**George Doucette, Sherwood Street**

Mr. Doucette addressed the Community Council indicating that:

- He supported Mr. Higgins and the Development Department in the decision to refuse the variance
- He believes the developer was aware of all the requirements of the bylaw from the outset
- He is aware that the residents in the general area are presently reviewing the zoning status of the area
- The property is presently a non conforming structure, and this proposal will perpetuate that situation
- He is concerned regarding traffic on Sherwood Street upon which there is a problem with parking and accessibility for utility vehicles and school buses
- The mezzanine is being constructed to allow the owner a view of the North West Arm, but does not conform to the residences in the neighbourhood

**Ms. Askri, Developer**

- The development will be a two unit building
- The largest reason for parking problem is because the development is ongoing
- The thoroughfare from Sherwood Street to Churchill Street was created to ease access to the development. Once the development is complete this access will be eliminated
- Addition which is now located on the rear will be re-located to the front of the property if the variance is not granted

**Duncan McAdams, 2592 Sherwood Street**

Mr. McAdams addressed Community Council noting that:

- Mr. Askri had developed other properties in the neighbourhood and they are extremely attractive properties
- The back legal boundary does not coincide with the local practice. The laneway at the rear of the properties on Phillip Street is defacto owned by the abutting properties

- Mr. Askri owns the two properties to the rear of this property, thereby giving him, in essence, 60 feet of property to the rear
- Community Council should allow emotion to cool before making a decision

**Sue Couelson, 2554 Sherwood Street**

Ms. Couelson addressed Council indicating that she did not support this proposal and urged Community to uphold the decision of the Development Officer.

**Mary Lou Novak, 2537 Phillip Street**

Ms. Novak addressed Community Council commenting that:

- The proposal impacts upon her family and, in particular, the privacy of her backyard
- The very large two unit building makes her feel very squeezed out

**George McLellan, 2525 Phillip Street**

Mr. McLellan addressed Council indicating that he did not support the proposal and did not see why Community Council would overturn the decision of the Development Officer.

**Jim Holloway, Phillip Street**

Mr. Holloway addressed Community Council noting that:

- The building is huge covering 35% of a double lot
- The building is very close to 40 feet on Phillip Street
- If the addition is not in compliance, it should not be permitted to proceed

**Moncef Askri, Developer**

Mr. Askri addressed Community Council noting:

- That he has been developing in the neighbourhood since 1985
- He has experienced resistance in the neighbourhood on previous occasions as the residents in the area do not want change
- He has the land required at the rear of the property as has been suggested by a previous speaker on the matter

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

Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

At the request of Councillor Fougere, Councillor Sloane assumed the Chair and Councillor Fougere took her seat.

**MOVED by Councillor Fougere, seconded by Councillor Uteck that Peninsula Community Council uphold the decision of the Development Officer to refuse the variance.**

Councillor Fougere noted that she had placed this motion in support of residents of the area, who are fully aware of the options to the rear addition, and have indicated they want the property to conform to the bylaw.

**MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Fougere resumed the Chair and Councillor Sloane returned to her seat.

**8.2.6 Appeal of the Development Officer's Decision to Refuse a Variance for Property at 6420 Cloverdale Road, Halifax**

- A staff report dated July 3, 2003 submitted by Steven Higgins, Development Officer, was before Community Council for consideration.

Mr. Steven Higgins, Development Officer, briefly reviewed the staff report regarding an application for a variance of the lot coverage requirements to allow for the construction of a single storey, 500 square foot addition to the rear of the building at 6420 Cloverdale Road. Mr. Higgins indicated that staff was recommending that Community Council uphold the decision of the Development Officer to refuse the proposed variance.

The Chair called for persons wishing to speak in favour of or against this matter.

**Sheila LaRue, 6420 Cloverdale Road**

Ms. LaRue addressed Community Council noting that the addition was being constructed to allow for a bedroom for her husband who suffers with arthritis and is unable to access the second floor. Ms. LaRue submitted indications of no opposition to the proposal from ten (10) residents of Roslyn Street and Cloverdale Road. These are on file.

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

Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence**

**9.1.1 Correspondence - Councillor Uteck for Mr. J. S. Grasser re 6199 Coburg Road**

Councillor Uteck submitted correspondence dated July 14, 2003 on behalf of J. S. Grasser, 1524 Lemarchant Street, re 6199 Coburg Road and requested that this correspondence be forwarded to staff for response.

**9.2 Petitions - None**

**9.3 Delegations - None**

**10. REPORTS**

**10.1 Case 00461 - Request to Amend the Halifax Municipal Planning Strategy and Land Use Bylaw for 1270 Oxford Street, Halifax**

- A memo dated June 23, 2003 from Randa James, Planner, Planning and Development Services, was before Community Council for consideration.

Noting that the residents of Oxford Court had not been notified of the Public Hearing relative Municipal Planning Strategy and Land Use Bylaw amendment held on May 27, 2003, it was **MOVED by Councillor Uteck, seconded by Councillor Sloane that a second public hearing be held relative to the Development Agreement for 1270 Oxford Street, Halifax was approved. MOTION PUT AND PASSED UNANIMOUSLY.**

Note was made that the public hearing will be held on September 8, 2003.

**10.2 Case 00544 - Amendment to Development Agreement, 1079 Queen Street**

- A staff report dated June 26, 2003 prepared for Paul Dunphy, Director of Planning and Development Services, was before Council for consideration.

**MOVED by Councillor Uteck, seconded by Councillor Sloane that Peninsula Community Council move Notice of Motion for the amending development agreement to permit limited commercial uses on the ground floor at 1079 Queen Street as set out in Attachment "A" and to schedule a public hearing for September 8, 2003. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3 Case 00518 - Application for Development Agreement - Keith's Brewery**

This matter was deleted from the agenda during the setting of the agenda.

**11. MOTIONS - None**

**12. ADDED ITEMS**

**12.1 Case 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use Bylaw for 5251 South Street, Halifax**

This matter was dealt with earlier in the meeting.

**13. NOTICES OF MOTION - None**

**14. PUBLIC PARTICIPATION - None**

**15. NEXT MEETING - Monday, September 8, 2003**

**16. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:25 p.m.

Sherrill Murphy  
Legislative Assistant