

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL SPECIAL MEETING MINUTES AUGUST 16, 2004

PRESENT: Councillor Sue Uteck, Chair
Councillor Dawn Sloane
Councillor Jerry Blumenthal

**ABSENT WITH
REGRETS:** Councillor Sheila Fougere

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.

2. VARIANCE HEARING - APPEAL OF THE DECISION OF THE DEVELOPMENT OFFICER TO REFUSE A VARIANCE APPLICATION AT 2437 DAVISON STREET

The Chair advised that the purpose of tonight's meeting is to re-hear the appeal of the decision of the Development Officer to refuse a variance application at 2437 Davison Street. Members of the community wishing to address Community Council regarding the appeal were present in Halifax Hall, the overflow room, at the July 12, 2004 meeting of Peninsula Community Council. Difficulties experienced with the sound system resulted in these residents not being afforded an opportunity to speak.

Councillor Uteck went on to thank members of the public for attending this meeting and apologised, on behalf of Community Council, for any inconvenience caused.

Mr Andrew Faulkner, briefly reviewed the proposed variance from the requirements of the Land Use Bylaw for the property at 2437 Davison Street, Halifax as set out in the previously circulated staff report dated August 5, 2004. Mr. Faulkner noted that subsequent to the Development Officer refusing the application for variance, the property owners indicated a willingness to amend both lot coverage and side yard setback to be in compliance with the Land Use Bylaw. Mr. Faulkner advised that this amendment is outlined in the June 23, 2004 appeal letter attached to the August 5, 2004 staff report. Concluding his remarks, Mr. Faulkner advised that staff is recommending that Community Council uphold the decision of the Development Officer.

In response to a question from Councillor Sloane regarding the present use of the lot, Mr. Faulkner confirmed that if the lot is being used as a parking lot, this would be in contravention with the By-law.

Kathleen Smith, a resident within the notification area

Ms. Smith noted that much of the information contained within the letter from CBCL was not factual. She pointed out that a majority of properties in the area have driveways and thus the property is not unique. Ms. Smith noted that included in the appellant's grounds for concerns was a comment regarding young people congregating. She indicated that she has not been aware of problems with youth in the area. Ms. Smith went on to note that she did not agree that development as a single family dwelling would not be economical given the market conditions. She commented that developing this duplex will not add more housing to the

neighbourhood as two of the existing Cooperative properties will be demolished once this duplex is complete. Ms. Smith submitted a petition containing the names of approximately 27 residents of Davison and John Streets asking that Community Council uphold the decision of the Development Officer.

A copy of Ms. Smith's presentation is on file.

Ms. Katherine Anthony, a resident within the notification area

Ms. Anthony addressed Community Council asking why this exception to the rules should be granted. She went on to suggest that Community Council should allow their professional staff to do their job and not ignore the advice of the Development Officer.

A copy of Ms. Anthony's presentation is on file.

Bridget Tuddy, a resident within the notification area

Ms. Tuddy addressed Community Council noting that the suggestion by the developer that they had spoken with all the neighbours was disrespectful to her as a resident and to the Councillors. She further noted that homes in the area do have driveways, backyards, are semi-detached, and for the most part are occupied by single families. Ms. Tuddy further commented that the residents who are presently living in the Greenstem Housing Cooperative homes in the area have been told they will be moving to this property when it has not yet been approved. Ms. Tuddy encouraged Community Council to uphold the decision of the Development Officer and refuse the appeal.

Wendy Walters, a resident within the notification area

Ms. Walters addressed Community Council indicating that she believed this whole process to be no more than a red herring to mask the further infringement of business into a residential area. She went on to indicate that the proposal was not in keeping with the neighbourhood and expressed concern regarding the lack of consultation.

Stacy Falkenham, a resident within the notification area

Ms. Falkenham referred to the requirements of the Land Use By-law and noted that the By-law was intended to protect the community. She went on to note that her property was located next door and that at the time of purchase, she had confirmed that the lot was intended for a single family dwelling. Ms. Falkenham expressed concern with the possibility of this proposal towering over her property only five meters away.

Ms. Falkenham noted that the proposed duplex was not in keeping with the neighbourhood. She pointed out that there has been no information provided to residents in the neighbourhood and certainly no consultation. Ms. Falkenham indicated that she could not agree with the claim that developing a single family dwelling on the property would not be economical. She commented that it was very likely that this was a case of it being more economical to build rather than to purchase.

Carol Ann Karmanov, representing a property owner within the notification area

Ms. Karmanov addressed Community Council noting that she was President of the Greenstem Housing Co-operative Limited. She went on to clarify that the Co-op had approached O'Regan's with the possibility of a swap of land. Ms. Karmanov noted that although the housing in this area may be considered to be affordable by some, not one family within the Co-operative would be able to afford a single family home in this area. Ms. Karmanov went on to advise that the Co-op's property on West Street is older and in disrepair.

Ms. Karmanov stated that the proposed building is in keeping with the rest of the homes and will not tower over the neighbouring property. She commented that although there is no grass in the backyard, patio gardening is a very acceptable alternative. Ms. Karmanov indicated that this project is a positive thing for the Co-operative and will provide housing for low income people.

The Chair called three times for persons wishing to address Community Council in favour of or against this matter.

Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Peninsula Community Council uphold the decision of the Development Officer and deny the appeal.**

Councillor Sloane submitted an e-mail dated August 16, 2004 from Carroll Godsman, Walnut Street, expressing concern regarding the proposal. Councillor Sloane referred to the number of phone calls she had received in opposition to this variance being granted and noted that, in hindsight, she believed she must follow staff's advice in this matter.

Councillor Uteck takes a seat in Community Council and Councillor Blumenthal assumes the Chair.

MOVED by Councillor Uteck, seconded by Councillor Sloane that a decision with regard to this matter be deferred to the September 13, 2004 meeting of Peninsula Community Council to afford an opportunity for members of the community to meet

with representatives of O'Regan's in order to reach a compromise relative to this very valuable development within the community.

Following a brief discussion, the **MOTION TO DEFER WAS PUT AND PASSED UNANIMOUSLY.**

3. ADJOURNMENT

There being no further business the meeting adjourned at 7:40 p.m.

Sherryll Murphy
Legislative Assistant