

# **HALIFAX REGIONAL MUNICIPALITY**

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## **PENINSULA COMMUNITY COUNCIL MINUTES NOVEMBER 8, 2004**

**PRESENT:** Councillor Sue Uteck, Chair  
Councillor Patrick Murphy  
Councillor Dawn Sloane  
Councillor Sheila Fougere

**STAFF:** Barry Allen, 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. APPROVAL OF MINUTES - October 4, 2004**

Councillor Fougere, referring to Public Participation, noted that Mr. Turner had in fact asked for written clarification of the re-build clause relative to non-conforming use should a property be **completely** destroyed by fire rather than the 75% indicated in the minutes.

She further noted on Page 13 that the correct spelling is Cary Bollivc.

**MOVED by Councillor Fougere, seconded by Councillor Sloane that the minutes of the October 4, 2004 meeting of Peninsula Community Council, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**Addition:**

10.2.2 Councillor Fougere - CN Property Maintenance

**Information Item:**

3. Information Report dated November 3, 2004 from Paul Dunphy, Director of Planning and Development Services, re Community Council Boundaries

**MOVED by Councillor Fougere, seconded by Councillor Murphy 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 Correspondence from Mr. Stuart Grossert, Questions re 6199 Coburg Road**

No update received. This matter is to remain on the status sheet.

**4.1.2 Petition- Councillor Fougere - Fence at 2918/2920 and 2929 Connolly Street**

Councillor Fougere indicated that staff are preparing a report. This matter is to remain on the status sheet.

**4.1.3 Public Participation - Mr. Eric Turner - Public Participation Process**

No update received. This matter is to remain on 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 the Development Officers decision to Approve a Variance at 5369 Inglis Street**

- A staff report dated November 1, 2004 prepared for Steven Higgins, Development Officer, was before Community Council for consideration.

Mr. Steven Higgins, Development Officer, briefly reviewed the November 1, 2004 staff report dealing with an appeal of the Development Officer's decision to approve a variance from the minimum lot area and minimum yard requirements of the Land Use By-law to an existing three unit apartment building. Mr. Higgins indicated that staff was recommending that Community Council uphold the decision of the Development Officer.

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

The Chair called for persons wishing to speak in favour of or against the appeal.

**David Cummings, the applicant**

Mr. Cummings referred to the grounds for appeal and indicated that the proposed addition is approximately 4 feet from the lot line. He noted that he had an appraisal done on the

property which indicates there will be no loss of value to adjacent properties as a result of the proposed addition. Mr. Cummings went on to note, in response to the concern that there will be damage to vehicles parked in the back of the lot as a result of things being thrown or falling from the deck, that the vehicles are approximately 30 feet away from the deck. He further indicated that he nor his family would be throwing things from their deck.

Mr. Cummings noted that the building and the deck have been bumped back from what originally existed on the lot and he believed that as a result, neighbours would gain privacy as the deck is located more towards their parking lot. He went on to indicate that snow will be no greater of an issue than it is now. Mr. Higgins went on to indicate that upgrades had been made to the building and showed pictures to illustrate the improvements. In conclusion, Mr. Cummings indicated that a number of neighbours supported the variance

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

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

Following a brief discussion and questioning of staff it was **MOVED by Councillor Sloane, seconded by Councillor Fougere that the decision of the Development Officer to approve the variance be upheld and the appeal denied.**

Councillor Fougere noted that the condominium corporation appealing the variance decision is two doors away from the applicants building.

**MOTION PUT AND PASSED UNANIMOUSLY.**

## **9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

### **9.1 Correspondence**

#### **9.1.1 Letter dated October 5, 2004 from Alan Ruffman - Maintenance Northeast Corner of TITANIC Plot**

- Correspondence dated October 5, 2004 from Alan Ruffman was before Community Council for consideration.

**MOVED by Councillor Murphy, seconded by Councillor Sloane that the correspondence be received and forwarded to staff for comment. MOTION PUT AND PASSED UNANIMOUSLY.**

### **9.2 Petitions**

Councillor Sloane submitted a petition on behalf of the residents/businesses in the area of the Mainline Need Exchange regarding the used needles and other paraphernalia discarded in the neighbourhood and the enjoyment of the residents of a safe neighbourhood. This petition will be forwarded to staff for response.

## **10. REPORTS**

### **10.1 Staff Reports**

#### **10.1.1 Case 00689: Development Agreement - Former St. Joseph's Convent, 5355 Russell Street, Halifax**

- A staff report dated October 7, 2004 prepared for Paul Dunphy, Planning and Development Officer, was before the Committee for consideration.

**MOVED by Councillor Murphy, seconded by Councillor Fougere that Peninsula Community Council give Notice of Motion to consider an application by Youssef Goshn and Robin Goshn, for 5355 Russell Street, Halifax, to permit a residential development, and schedule a public hearing for December 13, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **10.1.2 Case 00702 - MPS and LUB Amendments - 6139 Young Street, Halifax**

- A staff report dated October 29, 2004 prepared for Paul Dunphy, Director, Planning and Development Services, was before Community Council for consideration.

Mr. Angus Schaffenburg, Planner, advised that this matter was before Community Council to forward a recommendation to Regional Council. As this is an MPS and LUB amendment, Regional Council will set the public hearing date and hold the public hearing.

Referring to concerns expressed at the public meeting regarding a possible negative impact on the flow of traffic, Councillor Uteck asked if these concerns had been addressed.

Mr. Schaffenburg indicated that he had discussed these concerns with Development Engineering and staff are satisfied that the two existing entrances will have little impact on the traffic flow through the new intersection.

In response to a question from Councillor Fougere, Mr. Schaffenburg confirmed that the gas station would be as of right if the proposed amendments to the MPS and LUB are approved.

The Councillor went on to express concern regarding the location of large scale commercial developments closely abutting residential neighbourhoods without any opportunity for input from the public to the appearance of the development. Councillor Fougere indicated that appearance and lighting are most often concerns of surrounding neighbourhoods and commented that whenever HRM has an opportunity to mitigate these concerns, they should do so.

Mr. Schaffenburg went on to explain that the zoning was C-2 and there were no provisions in the zone for landscaping. He further indicated in response to a follow up question from Councillor Fougere regarding the type of zoning which would allow for development agreement type negotiation, that a development agreement provision would have to be prepared. Mr. Schaffenburg went on to note that Community Council would then have to decide upon the criteria in the development policy to allow for that provision.

Mr. Schaffenburg went on to indicate that staff has not recommended this course of action because the surrounding properties are C-2 and C-3. In essence, they did not foresee that there was a need to provide for a development agreement on this site.

Councillor Murphy expressed concern regarding the number of accidents at this location and suggested that there be no left turn from the gas bar to Young Street.

The Chair commented that this request should be included in Community Council's recommendation to Regional Council.

Referring to the lighting for the gas bar, Councillor Sloane asked if it would be possible to have the lights directed away from the residential area.

Mr. Schaffenburg indicated that staff would speak with the development and request that in their design they give consideration to the concerns regarding lighting which have expressed this evening.

**MOVED by Councillor Murphy, seconded by Councillor Sloane the Peninsula Community Council recommend that:**

- 1. Regional Council give First Reading to the proposed amendment to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw as contained in Attachment A to the October 29, 2004 staff report and schedule of a public.**
- 2. Regional Council request that, in light of the accidents occurring at this location, the Traffic Authority provide a report regarding the possibility of**



having no left turn from the gas bar to Young Street. **MOTION PUT AND PASSED.**

### **10.1.3 Appointments**

- A memorandum dated November 2, 2004 from Sherryll Murphy, Legislative Assistant, was before Community Council for consideration.

**MOVED by Councillor Fougere, seconded by Councillor Murphy that Peninsula Community Council confirm the appointment of Councillor Sue Uteck to the Selection Committee representing the Peninsula Community Council. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Fougere, seconded by Councillor Murphy that Peninsula Community Council appoint Councillor Dawn Sloane to the Grants Committee representing the Peninsula Community Council. MOTION PUT AND PASSED UNANIMOUSLY.**

## **10.2 Members of Community Council**

### **10.2.1 Property Owners - Snow Removal**

Councillor Fougere, noting that a report from Public Works and Transportation relating to snow removal would be tabled at Regional Council in the near future, **MOVED , seconded by Councillor Sloane that the annual snow removal report from Public Works and Transportation address:**

- 1. Situations where, due to a lack of snow storage, HRM crews plow snow onto sidewalks and then require that residents clear that snow. Residents are required to remove this snow at considerable cost and if they do not, they will be billed by HRM for the removal of that snow.**
- 2. Situations where commercial properties abut residential properties and those commercial properties clear their snow to the residential properties. Again, residents are required to remove snow placed there as a result of snow removal operations.**
- 3. Give particular attention to Beaufort and Regina Streets where this has been a longstanding issue. The owners of the property on the corner of Beaufort**

and Regina Streets are repeatedly fined even though they have the snow removed commercially.

**MOTION PUT AND PASSED UNANIMOUSLY.**

Note was made that this report would come back to Regional Council rather than to Peninsula Community Council.

**10.2.2 Councillor Fougere - CN Property Maintenance**

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

**MOVED by Councillor Fougere, seconded by Councillor Uteck that:**

1. **Staff provide a report regarding whether or not HRM has ever been reimbursed by CN for maintenance carried out on their grassed lot at Roosevelt Drive and Beaufort Street.**
2. **The Mayor and the CAO correspond with CN requesting that as good corporate citizens they maintain their properties, both grassed areas and bridges. Further, in light of safety concerns, that CN be requested to provide a copy of their most recent inspection report on the CN Bridges across Chebucto Road and across Marlborough Road and Belmont on the Arm. Finally, that the letter also include a suggestion that if CN does not wish to maintain their grassed properties, they turn them over to HRM which has been requested on two occasions by the Urban Greenways Association.**

11. **MOTIONS** - None

12. **ADDED ITEMS** - None

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

**Beverly Miller, Halifax**

Referring to the discussion regarding to the MPS and LUB Amendments proposed for 6139 Young Street, Halifax, Ms. Miller indicated that she believed that every opportunity should be taken to improve an area. The approach should not be 'there is no reason to require the impact be mitigated.'

**Alan Ruffman, Halifax**

Mr. Ruffman, referring to the MPS and LUB amendment for 6139 Young Street, commented that he believed Community Council should be looking to develop the type of zoning that allows development controls. He went on to suggest that the lights at the gas station will be an eyesore forever.

Referring to the cement barriers with chain link fences located on Cogswell Street which were put in place for a road race held 8-10 years ago, Mr. Ruffman asked if HRM was intending to remove the barriers. He went on to note that the trees which were cut down to allow for the road race should be replaced. Mr. Ruffman suggested that the asphalt area should also be removed with the playground area being retained.

Councillor Sloane noted that she had recently received an e-mail from a resident wanting to donate a tree for this purpose. She indicated that the matter had been referred to staff to arrange for the planting of the tree. The Councillor went on to indicate that the barriers are in place because of the basketball hoops located on the site and the chain link fence helps to ensure that the ball does not roll into the street.

Noting that she understood Mr. Ruffman's concerns, Councillor Sloane commented that the basketball court was well used and suggested that some maintenance may be required. She indicated that she would look into this matter.

**Hugh Pullen, Halifax**

Mr. Pullen referred to the information report regarding Case 00644, Zoning Review for properties in the area of Church, Harvey and South Street and asked what the next steps would be relative to this matter.

Councillor Uteck commented that based on the report the majority of residents were not in favour of rezoning and indicated that the staff report states that the design issues will be discussed before any further action is taken.

Mr. Pullen noted that the public meeting was quite well attended and he believed residents were very interested.

Councillor Sloane clarified that she intended to contact Planning with a request that they reconsider R2B zoning for the area.

Mr. Pullen, referring to the ferry service that at one time operated from the Northwest Arm, urged Council to push this option forward. He noted that although this proposal may not be as exciting as the proposed high speed ferries,

Councillor Uteck noted that she has proposed that monies for a ferry from the Northwest Arm be put in the capital budget for the last two years and intends upon doing so this year.

**15. NEXT MEETING**

The next meeting of Peninsula Community Council will be held on Monday, December 13, 2004.

**16. ADJOURNMENT**

Earlier in the meeting, the Chair noted the following information items had been distributed to Community Council:

1. Information Report dated October 29, 2004 from Paul Dunphy, Director of Planning and Development Services re Case 00644 - Zoning Review - R2A and R-2A zoned properties on Church Street, Harvey Street, South Street between Barrington Street and Queen Street, the south side of Morris Street between Barrington Street and Queen Street and Queen Street between Morris Street and South Street
2. Information Report dated October 7, 2004 from Barry S. Allen, Manager, Legal Services re Non-Conforming Uses

There being no further business, the meeting adjourned at 7:50 p.m.

Sherryl Murphy  
Legislative Assistant