

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL SPECIAL MEETING MINUTES NOVEMBER 23, 2005

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

STAFF: Ms. Karen Brown, Municipal Solicitor
Ms. Sherryll Murphy, Legislative Assistant

TABLE OF CONTENTS

1. CALL TO ORDER 3

2. APPEAL HEARING: APPEAL OF THE DEVELOPMENT OFFICER'S DECISION TO
REFUSE AN APPLICATION FOR A VARIANCE - 1612 CAMBRIDGE STREET,
HALIFAX 3

3. ADJOURNMENT 5

1. **CALL TO ORDER**

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

2. **APPEAL HEARING: APPEAL OF THE DEVELOPMENT OFFICER'S DECISION TO REFUSE AN APPLICATION FOR A VARIANCE - 1612 CAMBRIDGE STREET, HALIFAX**

- A staff report dated November 14, 2005 was before Community Council.
- Correspondence dated November 15, 2005 from Alice and Doug Macintosh in support of the variance was distributed to Council.

Mr. Andrew Faulkner, Development Officer, briefly reviewed the reasoning for refusing the variance to permit construction of an addition to a single unit dwelling at 1612 Cambridge Street, Halifax, as contained in the November 15, 2005 staff report. Mr. Faulkner noted that staff is recommending Council uphold the decision of the Development Officer.

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

David Rittenberg, the appellant, addressed Community Council indicating that his was a family of four with a live in nanny. Dr. Rittenberg noted that his home had no bedroom for frequent guests nor would it accommodate more children. Dr. Rittenberg noted that there was no laundry room and the washer and dryer is presently located in the closet in the master bedroom. He went on to indicate that the original bedrooms and house are not in keeping with the additions to the main floor and basement areas of the house.

Dr. Rittenberg went on to indicate that although the house is 5000 square feet, 2000 of that is in the basement and below grade. He went on to indicate that the house is quite fragmented due to the renovations and additions. Dr. Rittenberg indicated that these are not really sympathetic to the original house or the neighbourhood.

Dr. Rittenberg noted that the proposed addition does not expand the footprint of the house, but uses the second floor deck to expand the second floor. By doing this the fragmentation of the exterior has been resolved. Dr. Rittenberg indicated that this addition provides his family with the extra bedroom required and a laundry room. A bathroom is to be installed on the third floor for the live in nanny and allows us to have guests in one of the rooms on that level.

Dr. Rittenberg noted that even though he had checked with the Development Office just prior to submitting his application, no mention was made of the By-law change which was about to occur. He advised that he and his wife had looked at other homes in the south

end, but these had not met their needs. Dr. Rittenberg submitted a summary of comments and copies of more than 30 letters of support. A copy of this information is on file. Dr. Rittenberg assured Community Council that he intended to use his home as a single family dwelling and indicated that the proposed addition was consistent with the homes in the neighbourhood.

Michael Grinsky, Architect for the Rittenberg's:

- using a photograph illustrated the existing house
- reviewed the lot coverage including the planned addition
- noted that the footprint of the house is well below the 35% allowed
- reviewed with Community Council the existing ground floor plan
- pointed out that the portion of the house below the garage is completely below grade
- advised that the plans do not call for additional living space
- noted that the bedrooms are modest in terms of remainder of the house
- indicated that the proposed second floor plan will provide for two additional bedrooms including a master bedroom ensuite and that the attic renovation is over the kitchen and will provide a guest room and a nanny suite
- noted that the addition will regularize the roof line making it more sympathetic with the homes in the neighbourhood

Chris von Maltzan, Halifax addressed Community Council indicating that:

- he is not in favour changes to By-law regarding Gross Floor Area
- the By-law will preclude he and many others in the neighbourhood from adding to their homes to provide larger bedrooms, living space or bathrooms
- the By-law will negatively affect the value of his property and he will be appealing his assessment on this basis
- the By-law penalizes one group of homeowners (those on Peninsula)
- the By-law is unfair and ridiculous and will have a negative effect on attracting families to Peninsula Halifax.

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

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

3. ADJOURNMENT

The meeting adjourned at 7:33 p.m.

Sherryl Murphy
Legislative Assistant