

**PENINSULA COMMUNITY COUNCIL  
MINUTES  
June 12, 2006**

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

**STAFF:** Ms. Donna Keates, Legal Council  
Ms. Jennifer Weagle, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 7:01 p.m. in Council Chambers, City Hall.

**2. APPROVAL OF MINUTES - April 10, 2006 (joint meeting with Chebucto Community Council and regular meeting)**

**MOVED by Councillor Sloane, seconded by Councillor Murphy, that the minutes of the April 10, 2006 joint meeting of Peninsula Community Council and Chebucto Community Council and the April 10, 2006 regular meeting of Peninsula Community Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

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

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

**4.1 Status Sheet**

**4.1.1 Public Participation - Helicopter Travel from IWK Health Centre**

Correspondence dated May 11, 2006 was before Community Council from Brian D. MacDougall, Vice President, Operations and Support Services, IWK Health Centre. This item will be removed from the status sheet.

**4.1.2 Public Participation - Survey Work - Inglis Street & Tower Road**

No information received. This item to remain on the status sheet.

**4.1.3 Public Participation - Blocked Access to Northwest Arm**

An Information Report dated April 18, 2006 was before Community Council. This item will be removed from the status sheet.

**4.1.4 Westmoor Co-Op Ltd. - Naming of Kenneth Walker Field**

No information received. This item to remain on the status sheet.

**4.1.5 Harvey Street Parking Lot - Townhouses**

No information received. This item to remain on the status sheet.

#### **4.1.6 Closure of HRM Private Lane - June Street to Princess Place**

No information received. This item to remain on the status sheet.

#### **4.1.7 CN Property Maintenance**

Councillor Fougere requested that on an annual basis property maintenance be addressed along Beaufort Avenue, along with the graffiti on the Chebucto Road bridge, both of which are the responsibility of CN. Councillor Murphy noted that the wall along Barrington Street, which is also the responsibility of CN, is deteriorated.

Councillor Uteck commented that the only correspondence received from CN regarding maintenance matters to date is correspondence acknowledging Community Council's request for maintenance, and advising that it is CN's understanding that HRM is responsible for the aesthetic maintenance of the bridges, to which no supporting documentation can be located.

Councillor Fougere requested that Mr. David Hubley, Manager, Design and Construction Services, Transportation and Public Works, meet with Community Council members to ensure that all parties have a full understanding of CN Maintenance matters.

This item 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 Appeal Hearings**

**8.2.1 Appeal of the Development Officer's decision to approve an application for a Variance - 5562 Falkland Street, Halifax**

C A staff report dated June 2, 2006 on the above noted was before Community Council.

Ms. Leticia Smillie, Development Technician, Planning and Development Services, reviewed the report with Community Council. Ms. Smillie indicated that this is an appeal of the Development Officer's decision to approve a variance from the Gross Floor Area Ratio ("GFAR") requirement of the Halifax Peninsula Land Use Bylaw ("LUB") to permit an addition to a single family dwelling. Ms. Smillie clarified the following at the request of Community Council members:

- C The addition will not change the building footprint,
- C The applicant applied for a renovation permit, which was issued in error as staff did not capture the additional proposed floor area exceeding the permitted GFAR,
- C When the error was realized, the permit was revoked, a stop work order was issued, and the applicant applied for the variance to correct the situation.

Councillor Fougere opened the appeal hearing and called for speakers.

**Mr. Peter Greer, Halifax**

Mr. Greer addressed Community Council, distributing correspondence dated June 12, 2006 from his wife, Allison Strachan, who could not be in attendance this evening. Mr. Greer advised the following:

- C That he and his wife, Allison Strachan, are the owners of the property which backs onto the side lot of the subject property,
- C He showed photos of the property, indicating that an addition has been built six feet closer to his property and there are now ten windows on the side of the house overlooking Mr. Greer's property, where there were three windows before,
- C That the property owner also added grade to the yard and lowered the fence, diminishing his family's quiet enjoyment of their property,
- C That the deck that was constructed across the third floor of the back of the house is 20-25 feet above his and his neighbour's properties,
- C That there are no similar properties in the neighbourhood.

Mr. Greer showed photos of the subject property, and at the request of Councillor Sloane, clarified that a photo of the back of the property showed three doors on the main level.

**Mr. Scott Aitchison, property owner**

Mr. Aitchison addressed Community Council, advising that the shut down period of the permit was for less than twelve hours. He further advised that the three doors at the back of the property are a design feature, and that the windows on the side of the house are in a stairwell. Mr. Aitchison requested that the variance be allowed.

At the request of Councillor Sloane, Mr. Aitchison clarified that the structure is a single family home.

Councillor Fougere called three times for any further speakers.

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

Councillor Sloane commented that the area is very quaint and tranquil, with small houses and private backyards. She commented that this is a difficult case since the initial permit was issued in error. Councillor Sloane further commented that development can be dealt with in an easier manner if the developer communicates with neighbours prior to the commencement of construction. She noted that she does not believe that the house fits in with the community.

**MOVED by Councillor Sloane, seconded by Councillor Murphy, that Peninsula Community Council overturn the decision of the Development Officer and refuse the variance from the GFAR requirements of the Halifax Peninsula LUB.**

At the request of Councillor Uteck, Ms. Smillie advised that, based on assessment of the neighbouring properties, the subject property is keeping within the character of the surrounding properties.

Councillor Uteck indicated that she will not support the motion as the GFAR regulations are in place to detract from the construction of rooming houses, not to interfere with quality development of single family homes.

At the request of Councillor Fougere, Councillor Sloane clarified that the construction is already 98% completed.

At the request of Councillor Murphy, Mr. Andrew Faulkner, Development Officer, advised that if the decision of the development officer is overturned, the permit will be revoked and the property owner would be required to take action to have the building modified to meet the by-law.

**MOTION DEFEATED (2 in favour, 2 against).**

The decision of the Development Officer to approve a variance from the GFAR requirements of the Halifax Peninsula Land Use Bylaw upheld.

**8.2.2 Appeal of the Development Officer's decision to approve an application for a Variance - 2121 Blink Bonnie Terrace, Halifax**

C A staff report dated June 5, 2006 on the above noted was before Community Council.

Ms. Leticia Smillie reviewed the report with Community Council. Ms. Smillie indicated that this is an appeal of the Development Officer's decision to approve a variance for the construction of uncovered front steps into the front yard setback.

Councillor Fougere opened the appeal hearing and called three times for speakers.

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

At this time, Councillor Sloane assumed the Chair and Councillor Fougere took a seat in Council.

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

Councillor Fougere noted the appeal states that the steps obstruct access from the street to the rear entrance of the neighbouring property. Councillor Fougere, with the aid of a photograph and the site plan, clarified that the subject property has an irregular side yard plot and the only access to the back yard of the neighbouring property is over the subject property. She commented that since the neighbouring property does not have a right of access over the subject property and the steps do not obstruct the driveway, she does not believe there is a basis for an appeal.

At the request of Councillor Sloane, Councillor Fougere clarified that there is no history of an access agreement between the two properties and that the neighbouring property sold a piece of land to the subject property to create the irregular side yard plot.

**MOTION PUT AND PASSED.**

Councillor Fougere resumed the Chair and Councillor Sloane took her seat in Council.

### **8.2.3 Appeal of the Development Officer's decision to approve an application for a Variance - 5539-5543 Cogswell Street, Halifax**

C A staff report dated June 2, 2006 on the above noted was before Community Council.

Mr. Andrew Faulkner, Development Officer, Planning and Development Services, reviewed the report with Community Council. Mr. Faulkner indicated that this is an appeal of the Development Officer's decision to approve a variance from the GFAR and Lot Coverage



requirements of the Halifax Peninsula LUB to permit construction of two single unit dwellings. Mr. Faulkner clarified the following:

- C The lots are currently vacant due to a fire several years ago,
- C The former buildings on the site were non-conforming and cannot be re-built,
- C The proposed buildings are consistent with the neighbourhood and propose small increases in lot coverage,
- C The proposal is for two five bedroom, single family dwellings, with one dwelling owner occupied.

Councillor Fougere opened the appeal hearing and called for speakers.

**Mr. Hal Forbes, Halifax**

Mr. Forbes addressed Community Council, advising the following:

- C That he owns three properties in the vicinity of the subject property,
- C That a neighbourhood meeting was held with Councillor Sloane, the property owners, and fifteen other neighbourhood residents in attendance,
- C He does not have any issue with lot coverage, however, the volume of the house was unclear from the drawings provided and he therefore cannot support the variance on this basis,
- C Mr. Forbes commented on the need to have a tight appeal process in place.

**Mr. Robin Stewart, Halifax**

Mr. Stewart addressed Community Council, advising the following:

- C He has owned the property next to the subject properties for the past seven years,
- C He invested in his property with the understanding that only a 1500 square foot building, with 50% lot coverage and a height of 35 feet,
- C He contracted a graduate architect to incorporate light, ventilation, access, and egress in the design of his house in accordance with by-laws and without variance,
- C His property was formerly owned for 70 years by a groundskeeper of the Public Gardens. Mr. Stewart restored the garden in the backyard, however the proposed structures would create shadow in the yard,
- C A three story addition is proposed for the back of the building where there was previously a one story addition similar to Mr. Stewart's home,
- C Page three of the staff report dated June 2, 2006 estimates the floor area of Mr. Stewart's property (5537 Cogswell Street) to be 3,000 square feet, however his plans show the floor area to be 2,400 square feet, questioning the other figures indicated,
- C He is concerned that he will lose the use of the alley between the properties for access to his back yard and for storage of garbage and organic green cart,

- C That he believes maintaining the scale of the streetscape is important and he considers this a major variance.

Councillor Sloane indicated that Mr. Stewart and the property owners had previous discussions regarding a formal agreement, and she inquired of Mr. Stewart as to the status of these negotiations. Mr. Stewart advised that he was contacted by the property owners on June 1, 2006 and informed that an agreement was prepared, however he has not communicated with the property owners since.

**Ms. Rhonda Smith, property owner**

Ms. Smith addressed Community Council, advising the following:

- C She and her husband, John Fraser, are the owners of the subject properties,  
C They believe that the downtown community is an ideal location to raise their family,  
C They have seven children and require a space large enough to accommodate their family's needs,  
C They have made attempts to facilitate with the community and do not wish to jeopardize the integrity of the neighbourhood as they intend to become longtime neighbourhood residents,  
C The proposed structures are consistent with neighbouring properties and will be a dramatic improvement over the previous structures,  
C They intend to reside in the larger home at 5543 Cogswell Street and sell the home at 5539 Cogswell Street, which will have three bedrooms as opposed to five, as previously stated by Mr. Faulkner.

**Mr. John Fraser, property owner**

Mr. Fraser addressed Community Council, advising the following:

- C There were two written submissions of concern for 5539 Cogswell Street and none for 5543 Cogswell Street,  
C He and Ms. Smith met with Mr. Stewart several times to address his concerns and do have a written agreement prepared for Mr. Stewart,  
C They attempted to reach Mr. Stewart prior to the meeting tonight but were unable to make contact with him,  
C He and Ms. Smith have met with Councillor Sloane on several occasions, along with a meeting of Mr. Forbes and other community neighbours to address their concerns,  
C At the community meeting, no objections were made to the proposed lot coverage nor to the GFAR of the two proposed dwellings.

Councillor Fougere called three times for any further speakers.

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

Councillor Sloane noted concern that the property owners had not come to an agreement regarding their abutting properties and because of the historical aspect of Mr. Stewart's property. Councillor Sloane indicated that there are questions that need to be answered prior to the commencement of construction.

**MOVED by Councillor Sloane, seconded by Councillor Uteck, that Peninsula Community Council defer the decision for the variance at 5539 Cogswell Street . MOTION PUT AND PASSED.**

**MOVED by Councillor Sloane, seconded by Councillor Uteck, that Peninsula Community Council uphold the decision of the Development Officer and approve the variance at 5543 Cogswell Street, Halifax. MOTION PUT AND PASSED.**

**8.2.4 Appeal of the Development Officer's decision to refuse an application for a Variance - 3667 Leaman Street, Halifax**

C A staff report dated June 2, 2006 on the above noted was before Community Council.

Mr. Andrew Faulkner reviewed the report with Community Council. Mr. Faulkner indicated that this is an appeal of the Development Officer's decision to refuse a variance from the GFAR requirements of the Halifax Peninsula LUB to permit construction of an addition to a single unit dwelling. Mr. Faulkner clarified the following:

- C The addition would result in a GFAR of 1.27 (5,271 square feet), where the permitted GFAR is 0.65 (2,800 square feet), and that the dwelling currently has a GFAR of 0.74 (3,066 square feet),
- C GFAR requirements make no distinction between "invisible mass" (sub-grade basement area), and "visible mass" (floor area above grade),
- C Approximately 1,350 square feet of the current dwelling is sub-grade basement area,
- C The proposed addition would result in a significantly higher GFAR than any other dwelling in the area.

At the request of Councillor Murphy, Mr. Faulkner clarified that he had not received any submissions on the subject property other than the appeal from the property owners.

Councillor Fougere opened the appeal hearing and called for speakers.

**Mr. Joseph Lappin, property owner**

Mr. Lappin distributed submissions on the property, including photographs and letters of support from neighbours. Mr. Lappin addressed Community Council, advising the following:

- C He is appealing the refusal of the variance on behalf of he and his wife, who could not be in attendance at this meeting,
- C They wish to change the external appearance of the house, in particular, the roofline, and undertake other repairs such as repairs to the foundation, roof, and windows,
- C His wife's mother is ill and will be moving in with the Lappin's, therefore requiring more space,
- C His wife is a physician and operates from an office in the basement of the home, which takes up much of the space in the basement,
- C Neighbours are supportive of the proposed improvements to the property,
- C They purchased the home with the intent of renovating,
- C If the variance is not approved, the family will be required to move.

Councillor Fougere called three times for any further speakers.

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

**MOVED by Councillor Murphy, seconded by Councillor Uteck, that Peninsula Community Council overturn the decision of the Development Officer and allow the applicant to proceed with construction. MOTION PUT AND PASSED.**

#### **8.2.5 Appeal of the Development Officer's decision to refuse an application for a Variance - 3318 Connaught Avenue, Halifax**

- C A staff report dated June 2, 2006 on the above noted was before Community Council.

Mr. Andrew Faulkner, Development Officer, Planning and Development Services, reviewed the report with Community Council. Mr. Faulkner indicated that this is an appeal of the Development Officer's decision to refuse a variance from the Rear Yard Setback requirements of the Halifax Peninsula Land Use Bylaw, which if granted, would permit subdivision of an existing lot to create one lot plus a remainder. Mr. Faulkner clarified the following:

- C The application is to subdivide a lot to create two lots, one of which would not meet the minimum lot area and minimum rear yard setback requirements,
- C The applicants intend to purchase a piece of a neighbouring property to increase the lot area to meet the minimum requirement, if the variance is granted,
- C Varying the lot area requirement for a subdivision would need to be done under the Lot Modification process, under s. 99(5) of the LUB,

- C If the variance refusal is overturned by Community Council, only the variance on rear yard setback would be granted and the applicants in turn would proceed either by purchasing a piece of the neighbour's property or pursue a lot modification through the planning process,
- C The proposed subdivision would result in the creation of the only internal lot within the block, and would be the only lot to front on Regent Street, with all others fronting on Connaught Avenue or Micmac Street.

Councillor Fougere opened the appeal hearing and called for speakers.

**Mr. Bernie Plourde, property owner**

Mr. Plourde addressed Community Council, submitting a petition signed by 13 neighbourhood residents in support of the variance, and advised the following:

- C He and his wife, Jill Olscamp, are looking to creative budgeting methods while he works to become a self-employed registered massage therapist,
- C Upon subdivision, they wish to keep their house which would be situated on one lot and sell the other lot for the construction of a single family dwelling,
- C They have a large corner lot which is larger than many other lots in the area,
- C They have enjoyed living in the neighbourhood for a year and a half.

**Ms. Jill Olscamp, property owner**

Ms. Olscamp addressed Community Council, advising the following:

- C The minimum rear yard setback requirement for the property is 20 feet and they are asking for a variance to 15.1 feet, however this would only affect their property,
- C This is a financially viable option for them to keep ownership of their house, as opposed to going back to renting,
- C Their neighbour has indicated that he would sell them a strip of property consisting of 70 square feet to increase the lot area to meet the minimum requirement,
- C Due to the large area of the lot as it exists now, if subdivided, they would still have an average size lot.

At the request of Councillor Murphy, Ms. Olscamp and Mr. Plourde advised that in consultation with the neighbours, they did not encounter any residents opposed to the variance.

Councillor Fougere called three times for any further speakers.

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

**MOVED by Councillor Murphy, seconded by Councillor Sloane, that Peninsula Community Council overturn the decision of the Development Officer and allow the applicant to proceed with subdivision.**

**MOTION PUT AND PASSED.**

Community Council recessed at 8:44 p.m., resuming at 8:52 p.m.

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence**

**9.1.1 Correspondence from S.M. Mandaville dated May 17, 2006**

C Correspondence from S.M. Mandaville dated May 17, 2006 was before Community Council.

**MOVED by Councillor Uteck, seconded by Councillor Murphy, that the correspondence from S.M. Mandaville dated May 17, 2006 be forwarded to staff for response. MOTION PUT AND PASSED.**

**9.2 Petitions - None**

**9.3 Presentations - None**

**10. REPORTS**

**10.1 Staff Reports**

**10.1.1 Public Gardens and Horticultural Hall - Peter Bigelow, Manager, Real Property Planning**

Mr. Peter Bigelow, Manager, Real Property Planning, with the aid of photographs, provided an oral update of the status of renovations at Horticultural Hall in the Public Gardens, noting the following:

- C Renovations to Horticultural Hall were approved by Council as part of the 2005/2006 budget,
- C The project is a joint effort between HRM and the Public Gardens Foundation,
- C Horticultural Hall was built in the 1830's as the first structure in the Gardens and was traditionally used as a meeting house for public meetings on the topic of horticulture,

- C The Hall will function as an interpretive centre, a canteen, and the purchase of items related to the Gardens and horticulture,
- C Another visitor gate will be installed on Spring Garden Road with a lay-by for buses,
- C A historically accurate fountain is also being reconstructed inside this gate,
- C Male and female washrooms are being constructed adjacent to the Hall,
- C Historically accurate building materials are being used for renovations and a cupola, which was originally on the building, will be reinstalled,
- C The building is being reshingled, windows are being replaced, and the building was pulled together with ties due to bowing,
- C The original post and beam construction will be retained, the walls insulated, and the studs will remain visible to remain historically accurate,
- C HRM and the Public Gardens Foundation worked with Parks Canada on the design of the washrooms, which will include maintenance space.

Responding to questions of Community Council, Mr. Bigelow advised the following:

- C Labour Day 2006 is the target completion date,
- C Portable washrooms will be installed for the summer months and a portable canteen is being considered,
- C The new fountain will be of a simple stream design so as not to detract from the other fountains,
- C The interior will be white-washed and the ceiling ties will remain visible,
- C The exterior of the washrooms will be a light colour.

The Chair thanked Mr. Bigelow for his presentation.

**10.1.2 Case 00815: Halifax Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement - 6193 Young Street**

- C A staff report dated May 5, 2006 on the above noted was before Community Council.
- C Correspondence dated June 6, 2006 from Ross Cantwell, Cantwell & Company Consulting Ltd. was before Community Council.

Councillor Murphy read correspondence from Ross Cantwell, Cantwell & Company Consulting Ltd., as representative of Petro Canada, dated June 6, 2006 asking for a deferral to the July 10, 2006 meeting of Peninsula Community Council.

**MOVED by Councillor Murphy, seconded by Councillor Sloane, that this matter be deferred to the July 10, 2006 meeting of Peninsula Community Council. MOTION PUT AND PASSED.**

**10.1.3 Case 00899: Non-substantive Amendment to the 5620 South Street Development Agreement, Halifax (PID 41030727)**

C A staff report dated May 16, 2006 on the above noted was before Community Council.

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

- 1. approve the non-substantive amendment to the 5620 South Street Development Agreement as required for the approval of a landscape plan and of the separation wall and fence along the front of the Lands as detailed in the Second Amending Agreement appended as Attachment A of the report dated May 16, 2006.**
- 2. require that the Second Amending Agreement be signed and returned within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community 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.**

**10.1.4 Case 00839: Halifax MPS and LUB Amendments, Development Agreement - 6273 Quinpool Road**

C A staff report dated May 19, 2006 on the above noted was before Community Council.

At this time, Councillor Sloane assumed the Chair and Councillor Fougere took a seat in Council.

**MOVED by Councillor Fougere, seconded by Councillor Uteck, that Peninsula Community Council Recommend that Regional Council:**

- 1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as provided in Attachments "A" and "B" of this report, and that these be amended to include the following provisions on page 10 of the report:**
  - 2.3(d) Adult entertainment uses shall not be permitted.**
  - 2.5.2 Notwithstanding 2.5.1, the hours of operation of the lounge use shall be limited to the operating hours of the restaurant and operation shall**



**occur between the hours of no earlier than 11 a.m. and no later than 12 a.m.**

- 2. Schedule a joint public hearing with Peninsula Community Council.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Fougere noted that commercial regulations on Quinpool Road that do not permit lounge use in restaurants. She further commented that as a result of concerns noted during public consultation, she moved the above noted amendments regarding prohibiting adult entertainment in the lounge and regulated hours of operation due to the residential area surrounding Quinpool Road.

Councillor Fougere resumed the Chair and Councillor Sloane took her seat in Council.

**10.2 District 12 PAC Reports**

**10.2.1 Case 00891 - MPS Amendment for the South-East Corner of Creighton and Gerrish Streets (PID 40877292)**

- C A report from District 12 PAC on the above noted dated June 1, 2006 was before Community Council.

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

- 1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachments "A" and "B" of the staff report dated May 18, 2006, and schedule a public hearing.**
- 2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw as contained in Attachments "A" and "B" of the staff report dated May 18, 2006.**

**MOTION PUT AND PASSED.**

- 11. MOTIONS - None**

- 12. ADDED ITEMS - None**

- 13. NOTICES OF MOTION**

Councillor Sloane gave Notice of Motion that at the next regular meeting of Peninsula Community Council to be held on July 10, 2006, he intends to introduce a motion to rescind the approved motion on Item 8.2.1 from this June 12, 2006 meeting of Peninsula Community Council, with respect to the granting of a variance at 5562 Falkland Street, Halifax, on the basis of the MPS Policy 2.4 which reads “ the City encourages the retention of the existing residential character of predominantly stable neighbourhoods and will seek to ensure that any change it can control will be compatible with these neighbourhoods”.

#### **14. PUBLIC PARTICIPATION**

##### **Mr. Shalom Mandaville, Dartmouth**

Mr. Mandaville distributed information on lake and river preservation to Community Council, advising that the Mayor suggested he address Community Councils regarding this issue within HRM. Mr. Mandaville indicated that he would like to see a Councillor take the initiative to have a Lakes Authority set up for HRM with at least two qualified limnologists.

##### **Mr. Peter Greer, Halifax**

Mr. Greer addressed Community Council, advising the following:

- C He is concerned with the variance application process (see Item 8.2.1),
- C In his appeal letter dated June 1, 2006, he indicated that he and his wife are the co-owners of two properties abutting 5562 Falkland Street and asked that their appeal be considered as two separate appeals from two separate properties, however this was not considered,
- C Since his wife was not able to attend the meeting, he only had five minutes to state the reasons for his appeal, which was an insufficient amount of time,
- C He does not have any issue with the builder,
- C When he noticed the construction next door, he approached planning staff and was advised on numerous occasions that the construction was as of right development and within the rules,
- C He happened to read in the newspaper of the GFAR requirements and approached staff again, at which time the error was noted and the permit was revoked,
- C The Leaman Street variance application (see Item 8.2.4) is a good example of how property owners applying for a variance should consult with neighbours throughout the process,
- C The distinction between a minor and major variance should be better defined.

Councillor Fougere requested that Mr. Greer's comments be forwarded to the Director of Planning and Development Services.

**15. NEXT MEETING**

The next meeting of Peninsula Community Council is scheduled for July 10, 2006.

**16. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:28 p.m.

Jennifer Weagle  
Legislative Assistant