

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF: An Appeal under Section 247 of the *MUNICIPAL GOVERNMENT ACT*

NOTICE OF PLANNING APPEAL

TAKE NOTICE that George Tsimiklis
(State Name(s) of Person(s) Appealing)

appeal from a decision made by the Halifax and West Community Council
(Municipal Council)

on September 12, respecting property located at Young Avenue, Halifax
2017
(date)

in the County of Halifax, which decision states (or attach a copy of the decision):
See Attachment 'A' and Schedule 'A' Map 2M-24 Young Avenue
attached hereto.

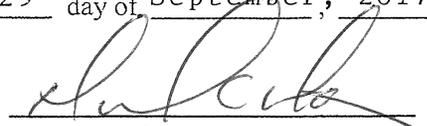
Notice of the decision was published in the newspaper on September 16, 2017
(date)

Section 250(1) of the *Municipal Government Act* provides that an aggrieved person or an applicant may only appeal on the grounds that the decision "does not reasonably carry out the intent of the municipal planning strategy".

Specify each policy of the MPS which you allege council has not reasonably carried out the intent of and briefly describe how they have failed to do so:
See Schedule 'B' attached hereto

(Attach additional pages if necessary)

DATED at Halifax, Nova Scotia this 29 day of September, 2017.


Appellant, Solicitor or Agent
Michael C. Moore
Solicitor for George
Tsimiklis

Mailing Address:

c/o Walker, Dunlop
1477 South Park Street

(Street)
Halifax, Nova Scotia

(City, Province)
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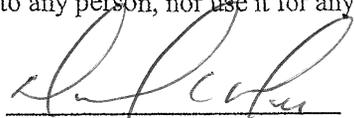
Work Phone: 902-423-8121

Fax Number: 902-429-0621

E-Mail Address: michaelmoore
walkerdunlop.ca

UNDERTAKING

The Appellant(s) hereby agrees to pay the costs of any advertising of the Notice of Public Hearing for the Appeal, and further undertakes to keep the list of names and addresses of assessed owners, which will be provided, confidential, and not disclose it to any person, nor use it for any purpose, not related to this planning appeal.



(Signature) Michael C. Moore
Solicitor and duly
authorized Agent for
George Tsimiklis

Motions from HWCC – September 12, 2017

Case 20854: HRM-initiated application to consider amendments to the Halifax Peninsula Land Use By-law to protect the character and form of Young Avenue, Halifax

MOVED by Councillor Mason, seconded by Councillor Smith

THAT Halifax and West Community Council adopt the amendments to the Land Use By-law for Halifax Peninsula, as set out in Attachment A of the April 24, 2017 staff report.

MOTION PUT AND PASSED.



Amendments to the Land Use By-law for Halifax Peninsula

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby further amended as follows:

1. Amend the "TABLE OF CONTENTS" by adding the words "**ZM-24 Young Avenue**" following "ZM-23 Wind Energy Zoning".
2. Adding the following section after Section 28 and before the words "With the exception of those streets" in Section 29:

28A(1) LOT SIZE - YOUNG AVENUE

Notwithstanding the lot frontage and lot area requirements of Section 28, for those properties with frontage on Young Avenue, within the bounds of the area shown on Map ZM-24, the following requirements shall apply:

Lot frontage minimum	80 ft. (24.4 m) of lot frontage on Young Avenue
Lot area minimum	8,000 sq. ft. (743.2 sq. m)
Lot width minimum	80 ft. (24.4 m)
Lot depth minimum	100 ft. (30.48 m)

28A(2) EXISTING LOTS – YOUNG AVENUE

Notwithstanding Subsection 28A(1), for those properties with frontage on Young Avenue, within the bounds of the area shown on Map ZM-24, a lot that was created prior to [INSERT DATE OF COUNCIL'S FIRST NOTICE OF ITS INTENTION TO ADOPT THIS SECTION] and has a minimum lot area of 4,000 sq. ft. and a minimum lot frontage of 40 ft., may be developed provided all other requirements of this by-law are met.

28A(3) SIDE YARD SETBACKS – YOUNG AVENUE

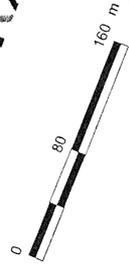
For those properties with frontage on Young Avenue, within the bounds of the area shown on Map ZM-24, a side yard shall be provided on each side of the building of not less than 10 percent of the width of the lot, provided that the maximum width of any side yard need not exceed 10 feet (3.048 m) and the provisions of this subsection shall apply to both sides of the building.

3. The Land Use By-Law is amended by adding a new map titled "ZM-24 Young Avenue", as shown in the attached Schedule A.

I HEREBY CERTIFY that the amendments to the Halifax Peninsula Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 2017.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2017.

Municipal Clerk



Schedule A: ZM-24 Young Avenue
 Halifax



Young Avenue Area

Halifax Peninsula
 Plan Area

11 January 2017

Case 20854 T:\work\planning\ISER_Group\ISER_Cases\Variances\20854\Maps_Plans\20854-ZM24.mxd (LAHG)

The accuracy of any representation on
 this plan is not guaranteed.



It is submitted that the Decision of the Halifax and West Community Council (HWCC) dated September 12, 2017 did not reasonably carry out the intent of the following policies of the Halifax Municipal Planning Strategy:

Section V, South End Area Plan – Policy 1.4.1

Young Avenue is designated as a family-type housing accommodation but conversions of existing larger homes on Young Avenue had previously been converted to more than one dwelling unit i.e. residential apartments /flats.

Section II, City-Wide Objectives and Policies – Residential Environments - Policies 2.2. and 2.4

Existing properties on Young Avenue had previously been converted from large single family homes to residential apartments which had already altered the use and the intensity of the existing neighbourhood. A number of properties on Young Avenue had previously been subdivided creating smaller lots and new houses were constructed on the smaller lots thereby altering the scale, type and the intensity of the housing stock in the neighbourhood.

The Decision of the HWCC did not reasonably carry out the aforementioned policies of the Halifax Municipal Planning Strategy in that the neighbourhood had already changed from a predominantly family-type housing accommodation on larger lots to family-type housing converted to more than one dwelling unit (apartments/flats) and there had been numerous smaller family-type homes constructed on smaller lots on Young Avenue which had already changed the character, scale and form of Young Avenue. The existing land use by-law which was amended by the Decision of the HWCC was consistent with the aforementioned policies of the Halifax Municipal Planning Strategy and the Decision of the HWCC is not consistent with the aforementioned policies of the Halifax Municipal Planning Strategy.