



**NORTH WEST COMMUNITY COUNCIL
MINUTES
April 17, 2023**

PRESENT: Councillor Lisa Blackburn, Acting Chair
Councillor Paul Russell
Councillor Tim Outhit

REGRETS: Councillor Cathy Deagle Gammon, Chair
Councillor Pam Lovelace, Vice Chair

STAFF: Karen MacDonald, Senior Solicitor
Catie Campbell, Legislative Assistant
Elizabeth Macdonald, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 7:00 p.m., adjourned at 9:26 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 7:00 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

2. APPROVAL OF MINUTES – March 27, 2023

MOVED by Councillor Outhit, seconded by Councillor Russell

THAT the minutes of March 27, 2023 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions: None

Deletions: None

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 Case 23247: Sackville Drive Land Use By-law Amendment Building Heights

The following was before Community Council:

- Staff report dated March 15, 2023
- Correspondence from Michelle Champriss, Don Farmer, Chris Jabbour, Anthony Jabbour, Patrick Jabbour, Monica Sweetapple
- Handout from Chris Crawford
- Staff presentation dated April 17, 2023

Paul Sampson, Planner II gave a presentation and responded to questions of clarification from Council.

The hearing opened at 7:16 p.m.

The Chair noted that the Municipality was the applicant for this matter.

The Chair reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

Chris Crawford, Fathom Studios spoke to the proposed amendments, showing photos and recommendations from Fathom Studios. Crawford noted involvement in developing original planning by-laws in District 15. Crawford highlighted mean grade differences on Sackville Drive and noted the proposed additional restrictions would only apply if building within the first 50 feet setbacks of the lot, but some lots have more depth which would eliminate the proposed land use by-law. Crawford asked for the restrictions to be removed and a buffer setback fence restriction in R1 and R2 zones to support consistency throughout the Municipality. As well, spoke in favour for 'as of right' development but noted the need for more detail in the by-law for developers. Crawford responded to questions of clarification from the Community Council regarding residential properties and rooftop amenities, noting that rooftop amenities should not overlook residential properties.

Don Farmer, Knox United Church spoke in favour of the proposed amendments to allow for 50 feet mean grade measurement of height. Farmer outlined potential redevelopment plans for the Church which would aim to generate revenue and provide a mix of full price and affordable housing through funding from the Canadian Mortgage and Housing Corporation (CMHC) and United Church of Canada. Farmer expressed support for implementing retail on main floor developments to expand operations of the Church's 'Freedom Kitchen' and distribution of emergency relief materials. Farmer responded to questions of clarification from the Community Council.

Christina Amer-Chisholm, Kaye Street spoke against the proposed amendments due potential loss of privacy. Amer-Chisholm noted that setbacks were necessary for privacy and a 25-foot setback requirement was minimal requirement. Amer-Chisholm spoke to living close to an ongoing development.

Michelle Champniss, Executive Director, Sackville Business Association spoke in favour of the proposed amendments and points raised by the development community. Champniss highlighted the need for main floor commercial designation for developments from the Pinehill Drive to Cobequid zone. Champniss encouraged Community Council members to facilitate an amendment to the Secondary Planning Strategy through Regional Council to promote more commercial opportunity for buildings facing Sackville Drive, noting the request was time sensitive due to rapid development.

Colin Young, Kaye Street spoke to concerns regarding residential properties abutting Sackville Drive, the consultation process and natural land grade. Young suggested a 25-foot setback may not be sufficient, the significance of land grade changes, and privacy fences abutting residential properties being beneficial.

Lawrence Oakley, Kaye Street spoke to concerns regarding the proposed amendments noting the potential impact on natural lighting for abutting properties and issues with privacy and security.

R. Japour, Halifax spoke in support of the proposed amendments and highlighted ongoing development on Sackville Drive abutting Kaye Street. Japour noted development communities commitment to working with the lands natural grade and promoted relief from the current existing grades. Japour responded to questions of clarification from the Community Council regarding the permitting process, development agreements and consultation with HRM staff when developing.

Adam Barrell, Kaye Street suggested those developing to use mean backyard grade as the mean height of the development for privacy reasons. Barrell spoke to long term residences versus short term and need to protect the natural landscape.

MOVED by Councillor Outhit, seconded by Councillor Russell

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 7:49 p.m.

Sampson responded to questions of clarification from the Community Council regarding setback requirements, noting there was a required minimum 15 feet setback for development. Sampson highlighted that height requirements and privacy fencing could be incorporated into a by-law and enforceable items need to be specific and clear. Sampson clarified that amendments to the Municipal Planning Strategy would be done through Halifax Regional Council but could be initiated through the Community Council. Sampson noted that current required ground floor commercial was between Pinehill Road and Riverside Drive.

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT North West Community Council adopt the amendments to the Land Use By-law for Sackville Drive, as set out in Attachment A of the staff report dated March 15, 2023.

MOVED by Councillor Russell, and seconded by Councillor Outhit

THAT North West Community Council defer Item 10.1.1 'Case 23247: Amendments to the Sackville Drive Land Use By-law Regarding the Measurement of Building Height' pending a supplemental staff report investigating not with standing Section 27 (a) and (b), for parcels of land within the PR and PC zones which have lot frontage on Sackville Drive, the height of the main building may, alternatively, be measured from the highest point of the roof (pursuant to Section 27 c(c)) to the 'established grade' surrounding the building, provided that along any adjoining R1 or R2 zone:

- 1. The setback of the main wall from any side or rear lot line that abuts the R1 or R2 zone is no less than 7.62 metres (25 feet),**
- 2. A 2 metres setback is required above the height of 30 feet for no less than 80% of the façade length, and**
- 3. A 2-metres-tall opaque barrier is established along the shared property lot line.**

Karen MacDonald, Senior Solicitor and Thea Langille, Principal Planner responded to questions of clarification from the Community Council regarding potential grade alternation permits and development agreement requirements. Langille noted compliance requirements for deferrals and timelines for the report writing process. MacDonald provided clarification regarding procedural requirements.

MOTION TO DEFER PUT AND PASSED.

10.2 VARIANCE HEARINGS

10.2.1 Case 24627: 250 Shore Club Road, Hubbards, NS, PID 40086555

The following was before Community Council:

- Staff report dated April 11, 2023, revised April 14, 2023
- Correspondence from Thalia Delano, Susan McCann, Darlene O'Neill and Doris Dauphinee, David Walsh and Janesta Boudreau
- Property owner presentation dated April 17, 2023
- Staff presentation dated April 17, 2023

Rhys Burnell, Planner I gave a presentation and responded to questions of clarification from Community Council.

The Chair reviewed the rules of procedure for variance hearings, opened the hearing, and invited the appellant to come forward and address Community Council.

The hearing opened at 8:20 p.m.

Darlene O'Neill, on behalf of the appellant spoke to issues accessing Dauphinee Drive and other private lots along Shore Club Road, specifically concerns with emergency vehicle access. O'Neill noted traffic and parking challenges when the Shore Club was operating and highlighted the potential risks of alcohol in traffic dense areas. O'Neill spoke to privacy issues and the strong sense of community within the area.

The Chair invited the property owner to come forward to address Community Council.

As set out in section 34 of Administrative Order One, *Respecting the Procedures of the Council*, a motion was required to extend the time of the meeting.

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT North West Community Council extend the time of the meeting past 9:00 p.m.

MOTION PUT AND PASSED.

The Chair invited property owner's within the notification area to come forward and address Community Council.

Jared Harnish and Luke Harnish, property owners gave a presentation on the proposed patio expansion. Harnish and Harnish outlined ongoing funding from the Atlantic Canada Opportunities Agency (ACOA) and the commitment to upholding the heritage façade. Harnish and Harnish noted conversations with the Department of Public Works for snow removal and stronger visuals for drivers and consultation with the community. Harnish and Harnish highlighted parking, noise and crowd control measures, noting a neighboring parking lot for patrons. Harnish and Harnish responded to questions of clarification from the Community Council regarding the covered serving area highlighting its use of a sound barrier. Harnish and Harnish identified the use of ramps on the property.

Susan G., Hubbards spoke to safety, parking and traffic congestion concerns, noting the need for emergency vehicle access. They sought clarification on the proposed ramp and the potential increased noise.

Darlene O'Neill, Headlands Lane spoke to concerns regarding increased capacity in the area and noted the need for emergency vehicle access. O'Neill sought clarification on parking and highlighted there was no shoulder on Shore Club Road.

Michael Daley, Hubbards spoke to traffic concerns during peak business hours and noted need for emergency vehicle access. Daley sought clarification on turnaround points for buses, parking management and accessibility ramps. Daley responded to questions of clarification from the Community Council regarding parking and traffic control measures.

Reece Harnish, Hubbards spoke to experience working at the Shore Club and noted ample parking and noted commitment to undertaking parking education for patrons during peak hours.

John Keith, Hubbards sought clarification on why the proposed expansion is towards Dauphinee Drive.

Darlene O'Neill, on behalf of the appellant sought clarification on the proposed ramp.

The Chair invited the property owners to respond to questions raised during the hearing.

Harnish and Harnish, property owners responded to questions raised by public on the proposed ramp, noting it is a secondary emergency exit and would be used for loading.

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 9:16 p.m.

Karen MacDonald, Senior Solicitor provided an overview of process to allow the appeal and overturn the decision of the Development Officer or deny the appeal and uphold the decision of the Development Officer.

MOVED by Councillor Outhit, seconded by Councillor Russell

THAT North West Community Council allow the appeal.

Burnell advised the ramp would be located along the proposed expansion and responded to questions of clarification from the Community Council. Burnell clarified that ramps were permitted to encroach and noted the proposed expansion would also have to meet building codes.

MOTION PUT AND DEFEATED.

Decision of the Development Officer upheld.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received and circulated for items: 10.1.1 and 10.2.1.

For a detailed list of correspondence received refer to the specific agenda item.

11.2 Petitions – None

11.3 Presentation – None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS – NONE

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE)

15.1 PERSONNEL MATTER – Private and Confidential Report

This matter was dealt with in public as follows:

The following was before the Community Council:

- Private and confidential staff report dated April 11, 2023

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT North West Community Council:

- 1. Adopt the recommendation as outlined in the private and confidential staff report dated April 11, 2023; and;**

2. Direct that the private and confidential report dated April 11, 2023 be maintained private and confidential.

MOTION PUT AND PASSED.

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Michelle Champniss, Executive Director, Sackville Business Association asked the Community Council to encourage Halifax Regional Council to amend the Secondary Planning Strategy to promote more commercial opportunities for businesses in the Sackville area. Champniss responded to questions of clarification from the Community Council regarding timeline implications.

19. DATE OF NEXT MEETING – May 15, 2023

20. ADJOURNMENT

The meeting was adjourned at 9:26 p.m.

Catie Campbell
Legislative Assistant