

WEST COMMUNITY COUNCIL  
MINUTES

December 10, 2012

PRESENT: Deputy Mayor Reg Rankin  
Councillor Waye Mason  
Councillor Jennifer Watts  
Councillor Linda Mosher  
Councillor Stephen Adams  
Councillor Russell Walker

STAFF: Ms. Karen Brown, Senior Solicitor  
Mr. Kurt Pyle, Supervisor of Planning Applications  
Ms. Kelly Denty, Manager, Development Approvals  
Mr. Shayne Vipond, Senior Planner  
Mr. Andrew Faulkner, Development Officer  
Mr. Paul Sampson, Planner  
Ms. Sherryl Murphy, Deputy Clerk  
Mr. Ted Aubut, Legislative Assistant

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**1. CALL TO ORDER**

The Legislative Assistant called the meeting to order at 7:00 pm in Meeting Room 1 of HRM Planning Offices at 7071 Bayers Road, Halifax.

**2. SELECTION OF CHAIR AND VICE-CHAIR**

The Legislative Assistant called for nominations for the position of Chair.

**MOVED by Councillor Adams, seconded by Councillor Walker that Councillor Mosher be nominated for the position of Chair for the period of December 2012 to November 2013.**

The Legislative Assistant called two further times for nominations; hearing none, the **MOTION WAS PUT AND PASSED.**

Councillor Mosher assumed the role of Chair at 7:02 pm and called for nominations for the position of Vice Chair.

**MOVED by Councillor Watts, seconded by Councillor Walker that Councillor Mason be nominated for the position of Vice Chair for the period December 2012 to November 2013.**

There being no further nominations, the **MOTION WAS PUT AND PASSED.**

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

Additions:

8.1 Councillor Adams - Naming of Bridge in Park to Captain William Spry Community Centre, Spryfield

**MOVED by Councillor Walker, seconded by Councillor Watts that the agenda be approved, as amended. MOTION PUT AND PASSED.**

**4. COMMUNITY COUNCIL ADMINISTRATION**

**4.1 Staff Report dated November 23, 2012 regarding New Community Council structure – Administrative Matters**

A staff report dated November 23, 2012, including a proposed meeting schedule and status sheet, was before the Community Council.

Councillor Watts asked that meetings be held on a consistent night per month, such as the second Monday of every month. She found the proposed schedule erratic, particularly for the period April through July, which jumps from the 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month to the 2<sup>nd</sup> and 3<sup>rd</sup> of the month. Councillor Watts similarly noted her preference for beginning meetings at 7:00 pm instead of 6:00 pm because a later start date would be more convenient for residents. Referring to venue options, she then recommended that staff select meeting spaces that are kept open past 9:00 pm, in the event that meetings run late, and that staff take into account the acoustics of spaces booked.

Sherryl Murphy, Deputy Clerk explained that the proposed schedule mirrored that of Regional Council, the intent being to schedule Community Council one week and Regional Council, the next. Proposed meeting dates, she continued, also took into account holidays and the annual conference of the Federation of Canadian Municipalities, to which many HRM Councillors will attend. As for venues, she recommended that City Hall be used as the primary meeting location, with public hearings to be held in, or as close as possible to, the affected community.

**MOVED by Councillor Walker, seconded by Councillor Watts that West Community Council approve:**

- **A standard meeting time of 7:00 pm;**
- **The following meeting schedule with one fixed monthly date per month, to fall on the first Monday of the month or the following Monday in the event of holidays; and a second, additional meeting per month as/if required:**

<b>Month</b>	<b>Required Meeting</b>	<b>2nd Meeting if Required</b>
January	7 <sup>th</sup>	21 <sup>st</sup>
February	4 <sup>th</sup>	18 <sup>th</sup>
March	4 <sup>th</sup>	18 <sup>th</sup>
April	8 <sup>th</sup>	22 <sup>nd</sup>
May	6 <sup>th</sup>	27 <sup>th</sup>
June	10 <sup>th</sup>	-
July	22 <sup>nd</sup>	-
August	-	-
September	9 <sup>th</sup>	23 <sup>rd</sup>
October	7 <sup>th</sup>	21 <sup>st</sup>
November	4 <sup>th</sup>	18 <sup>th</sup>
December	2 <sup>nd</sup>	-

- **That regular meetings be held at the Keshen Goodman Library or the Canada Games Centre and that any additional meetings be held at City Hall, with the exception of public hearings concerning communities far**

**from downtown. In this case, meeting venues in or close to the affected communities will be selected.**

**MOTION PUT AND PASSED.**

The Chair then asked for feedback on the status sheet.

**MOVED by Councillor Watts, seconded by Councillor Walker that item 7.1 of the status sheet, *Heat Pumps and Land Use By-Law (p.2)*, be discussed at the meeting. MOTION PUT AND PASSED.**

Councillor Watts noted that the status sheet contained a number of items relative to the Halifax Commons but there was no indication of action taken – or to be taken – by staff. She asked that they remain on the status sheet. She also asked that item 10.3.2, *Poppy Decals on Street Signs in Westmount (page 6)*, remain on the status sheet. With the Irishtown signs complete, the Westmount project should move ahead shortly. As such, she did not want to see this item deleted until an update is provided from staff. Finally, she asked that all items regarding CN Property Maintenance remain on the status sheet (page 7), as the former Peninsula Community Council had requested periodic updates on the matter.

There being no further comments, the Chair asked each member to review the status and to identify, for the next meeting, which items should remain, and which ones could be deleted.

At 7:18 pm, Councillor Mosher stepped down as Chair. Councillor Mason assumed the role of Chair.

#### **4.2 Renaming Community Council**

**MOVED by Councillor Mosher, seconded by Councillor Watts requesting that Halifax Regional Council amend Administrative Order 48 to change the name of West Community Council to Halifax and West Community Council.**

Councillor Mosher explained that the name change is intended to better reflect the communities represented.

**MOTION PUT AND PASSED.**

Councillor Mosher reassumed the role of Chair at 7:20 pm.

## **5 HEARINGS**

### **5.1 Public Hearings – NONE**

### **5.2 Variance Appeals Hearings**

### 5.2.1 Case 17476: Appeal of Variance Refusal, 2890 Connolly Street, Halifax

A staff report dated November 20, 2012 and a list of property owners directly impacted by the proposed variances were before the Community Council.

Andrew Faulkner, Senior Planner explained that two variances have been requested to allow for the development of a new, two-unit dwelling at 2890 Connolly Street, replacing a single-unit dwelling on the site. The property owner is requesting that HRM relax the required lot area as well as the maximum gross floor area ratio.

Mr. Faulkner reminded the Community Council that the Halifax Peninsula Land Use By-Law requires a 5,000 square foot lot to accommodate the proposed two-unit dwelling. At 3,774 square feet, the subject lot comes in below the by-law requirement. He also reminded the Community Council that lot size dictates gross floor area. The subject lot would permit a gross floor area of 2,642 square feet. What is being proposed amounts to 3,988 square feet, which exceeds the gross floor area by 33%.

Referring to a map of the neighbourhood, Mr. Faulkner noted that the property is at the corner of Connolly Street and London Street and is surrounded, for the most part, by modest, single-unit homes with an average gross floor area of 1,854 square feet. There are, he continued, a few large homes across the street, including a couple of two-unit dwellings, the first built before 1958 and the second, as a result of a variance approval in the 1990s. He then displayed architectural renderings of the front and side elevations of the proposed dwelling, which would be considerably larger than most homes in the area.

In reviewing the application, Mr. Faulkner explained that staff was guided by section 250(3) of the *Halifax Regional Municipality Charter*, which states the following:

A variance may not be granted if:

- a. The variance violates the intent of the development agreement or land use by-law;
- b. The difficulty experienced is general to properties in the area;
- c. The difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law

Mr. Faulkner added that for a variance to be approved, it must not conflict with any of these three criteria.

On the first point (a), Mr. Faulkner indicated that it was the opinion of staff that the proposed variance violated the intent of the land use by-law. He explained that one of the goals of the Municipal Planning Strategy is to encourage the retention of the character of established neighbourhoods. The land use by-law carries out this intent by requiring that a two-unit dwelling sit on a lot of 5,000 square feet. The proposed development does not meet this requirement. The land use by-law also sets gross floor

area requirements that vary in accordance with the size of the lot. The proposed development does not meet this requirement either, exceeding the maximum by 1,346 square feet.

On the second point (b), Mr. Faulkner explained that staff had studied the neighbourhood to determine if the subject property is unique in so far as its ability to meet land use by-law requirements. Staff concluded that this was not the case; most dwellings in the area are single-unit dwellings, on comparable-sized lots and with gross floor areas below the maximum permitted. In short, the difficulty experienced appears to be general to properties in the area.

On the third and final point (c), Mr. Faulkner noted that there was no evidence that the applicant had intentionally disregarded the requirements of the by-law. The applicant has applied for a Development Permit in good faith and requested the variances prior to commencing any work on the property.

Mr. Faulkner concluded his remarks by explaining that Community Council could either uphold staff's refusal of the variance application or overturn staff's decision.

The Chair thanked Mr. Faulkner for his presentation and asked if members of the Community Council had any questions of clarification. As there were none, she reviewed the Rules of Procedure for appeals of variance refusals, calling three times for immediate neighbours for or against the matter to come forward.

**Bob Migel** of London Street expressed his support for the variance application, noting that the proposed development meets setback requirements. He also explained that there are already multi-unit dwellings in the neighbourhood, including a six-unit apartment building. Given this, he did not feel that the proposed project was inconsistent with character of the neighbourhood. He therefore requested that Community Council allow the development to proceed.

**Sian McKenna** of London Street explained that she lives just down the hill from the subject property. She asked staff to clarify if the developers planned to build a retaining wall given the slope of the lot. She also wished to know what part of the lot would be reserved for parking. On size, she indicated that the two-unit dwelling appears large relative to the lot but acknowledged that the developer had done a good job with the house across the street.

Mr. Faulkner replied that plans provide for parking for two cars, one off Connolly Street and one off London Street. As for the retaining wall, he explained that it was too early in the process to address drainage issues.

**Janice Graham-Migel** of London Street expressed her full support for the development. When she had moved into the neighbourhood in the 1990s, her home had a lot of water issues – problems she no longer had in her rebuilt home. She noted that it is a great

neighbourhood and that the construction of her new home had enhanced the street, as would the proposed dwelling.

**Barb Campbell** of London Street asked what would happen if the Community Council votes against the request for variances.

To this, the Chair replied that there would be no appeal if the Community Council votes down the request.

Karen Brown, Senior Solicitor added that the Community Council is the appeal body. If it refuses to grant the variances, then the applicant could apply for another variance.

**Nathan Rogers**, a planner living on Connolly Street, explained that the neighbourhood has been waiting a long time to see what would happen with the property. He noted that he liked the house that had been built across the street by the same developer but that the application materials provided seemed fairly unsophisticated. He felt that more thought should have been given to grading, among other things, especially if the appeal is approved. He explained that across the street, neighbours successfully applied for a variance and then proceeded with a development agreement.

**Mike Yue** of Connolly Street noted that there is a natural spring that runs through the area, and is the likely cause of water issues. He also explained that there are already some fair-sized homes in the neighbourhood, including his own.

There being no more speakers, **it was MOVED by Councillor Watts and seconded by Councillor Walker that the hearing be closed. MOTION PUT AND PASSED**

Councillor Adams asked staff how other multi-unit buildings in the area came about.

Mr. Faulkner replied that each case was different. For example, a nearby two-unit dwelling dates from 1958.

Councillor Adams noted that during this and other hearings, residents should, as part of their comments, disclose if they have financial interests in the project. This had not been done.

**MOVED by Councillor Watts, seconded by Councillor Mason that West Community Council uphold the Development Officer's decision to refuse the request for variances at 2890 Connolly Street, Halifax.**

Councillor Watts noted that this is a tricky situation, considering that previous variances had been approved in the neighbourhood - variances that can have impacts that people do not expect. She also noted that new construction can be tempting as it can fix water problems. However, she explained that it is important to understand why gross floor area requirements were adopted. Before they came into effect, developments that sprung up were out of scale with adjacent buildings. As she saw it, the issue at hand is

whether HRM should continue along this road or whether HRM should protect the characteristics of its neighbourhoods. Zoning helps to answer this question, by proposing a ratio of home size to lot.

At 7:45 pm, the Chair stepped down and the Vice Chair assumed chairing responsibilities.

Councillor Mosher acknowledged that this is a difficult case but when it comes down to it, the proposed dwelling is 33% larger than what is allowed. Approving this variance, she continued, would set a precedent. Overall, the neighbourhood has great compatibility and she wished to keep it that way.

Councillor Mosher reassumed the role of Chair at 7:47 pm.

Councillor Watts added that the Centre Plan, underway, is precisely to look at issues like this one, to identify how HRM wants to see development happen. It's in the context of this Plan that we can discuss how we want our neighbourhoods to look and feel. She concluded by indicating that she would vote to uphold the Development Officer's decision to refuse the request for variances.

#### **MOTION PUT AND PASSED.**

#### **5.2.2 Case 17936: Appeal of Variance Refusal, 2590 Oxford Street, Halifax**

A staff report dated November 20, 2012 and a list of affected property owners were before Community Council.

Mr. Faulkner provided an overview of the property at 2590 Oxford Street, noting that it is a mixed-use building, with commercial space on the ground floor and one residential unit on the second floor. It sits at the corner of Oxford Street and Chebucto Road.

Mr. Faulkner explained that the applicant wishes to extend the second floor above the flat-roof garage to match the footprint of the first floor. This would remain a single albeit larger residential unit. The applicant also wishes to add a third floor to be used as an additional residential unit. The ground floor will remain the same, both in size and in use. To move forward on this project, the applicant is requesting that HRM relax lot coverage and setback requirements.

Citing section 250(3) of the *Halifax Regional Municipality Charter*, Mr. Faulkner reminded Community Council that a variance may not be granted if:

- a. The variance violates the intent of the development agreement or land use by-law;
- b. The difficulty experienced is general to properties in the area;
- c. The difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law

On the first point (a), Mr. Faulkner explained that the land use by-law requires that a two-unit dwelling sit on a 5,000 square foot lot. At 2,200 square feet, the existing residential unit is already non-confirming. Extending the second floor and adding a third floor, he continued, would only increase the degree of non-conformity.

Moreover, the by-law anticipates that building setbacks will increase as the number of residential units increase. While this does not apply to the ground floor commercial space, it is applicable to the residential portion of a building. The proposed project does not take this account, he explained: the addition is designed to match the current footprint of the building and, as a result, setbacks will not change. Finally, Mr. Faulkner indicated that the building covers 50% of the lot yet the by-law sets maximum coverage 35%.

Given this, Mr. Faulkner concluded that the proposal violates the intent of the land use by-law as it does not conform to required lot area, lot coverage or setbacks.

On the second point (b), Mr. Faulkner found that the property is not unique in so far it is faces similar difficulties as neighbouring lots. Most buildings in the neighbourhood are single-unit dwellings, zoned general residential (R2), with side yard setbacks of two (2) to five (5) feet. Front yard setbacks in this area are small but none appear to be at zero feet. While neighbouring lots tend to be bigger than that of 2590 Oxford Street, non are large enough to accommodate two-unit dwellings.

As for the third point (c), Mr. Faulkner explained that there was no indication that the applicant had intentionally disregarded the by-law. He applied for the Development Permit in good faith and had requested the variances before renovating the building.

Mr. Faulkner then responded to the main points raised in the applicant's appeal, namely that the proposed development:

- Does not exceed maximum height restrictions of 35 feet. To this, Mr. Faulkner was in agreement;
- Is in-keeping with the character of the neighbourhood, which includes many duplexes. To this, Mr. Faulkner was in disagreement, noting that single-unit dwellings dominate the area immediately surrounding the subject property.

To conclude his presentation, Mr. Faulkner indicated that Community Council could uphold staff's decision to refuse the request for variances or overturn it.

There being no questions of clarification from Community Council, the Chair repeated the Rules of Procedure, calling three times for property owners within 30 metres of the subject property to speak for or against the application.

**Paul Legere** of Oxford Street explained that he had spoken with 13 neighbours, including Aly Mawji who had prepared a letter in support of the project. He read aloud the letter on behalf of Mr. Mawji before submitting it to the Legislative Assistant.

Mr. Legere noted that he had a negative first impression of the project. He worried, for instance, that the addition would be out of scale with the neighbourhood. He no longer has these concerns. Having reviewed the project, he found that the addition of a third storey would not be as imposing as he first thought; in fact, it will bring the roofline in sync with neighbouring homes and better fit in aesthetically. As for the look of the property, he explained that it is already unique. The existing building is not a home and should not be assessed as such. In this sense, accepting the request for variances would not set a precedent in the neighbourhood because no other property is like this one. Finally, he noted that he was pleased that the second floor apartment would be renovated as he thought it could bring in better tenants.

**Liam Kemble**, who lives two doors down from the subject property, asked staff to clarify what would happen if the owner had opted to increase the commercial component of the building rather than the residential component. It was his understanding that it would be easier to increase the former.

Mr. Faulkner replied that Mr. Kemble was correct: the by-law allows for greater flexibility when it comes to the expansion of commercial space.

Mr. Kemble explained that the subject property has been a nightmare. For a long time, it was poorly maintained and had disrespectful tenants. He went on to say that the situation has vastly improved since the current owners took possession. Graffiti is removed quickly and new siding has been put up. He expressed support for the project and thanked the property owners for their diligent work.

**Herb Theriault** of Chebucto Road explained that he, too, has had trouble with the tenants at 2590 Oxford Street. Currently there is a balcony off the second-floor apartment and this has made the area very noisy. He thanked the owners for doing their best to get rid of the noisy tenants and expressed support for the proposed addition, as it would eliminate the balcony all together. He believed that this would increase the desirability of the neighbourhood and improve the look of the property.

**Kevin Grant** of Case Design/Remodeling delivered a short presentation of the project. He explained that the platform off the back of the building will be filled in on the second floor, thereby eliminating the balcony, and a third storey added. The overall footprint of the building will not change and though it will be taller, it will fall under maximum height restrictions.

Mr. Grant acknowledged that the proposal exceeds the lot coverage allowance but indicated that so do other buildings in the neighbourhood. Moreover, he explained that the addition of a third floor is in-keeping with the neighbourhood and does not represent a significant departure from what the building is today. He ended by showing interior images of the residential unit pre and post renovation.

As there were no more speakers, **it was MOVED by Councillor Walker and seconded Councillor Adams that the hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Mason, seconded by Councillor Watts that West Community Council uphold the Development Officer's decision to refuse the request for variances at 2590 Oxford Street, Halifax.**

Councillor Adams explained that two points had resonated with him as he listened to the presentations:

- That an increase in the commercial component of the building would not have been an issue; and
- That there is a great deal of community support, which is unusual for such an extreme application

Councillor Watts thanked residents for their careful consideration of the matter and took note of their concerns about disruptive tenants. However, she explained that zoning is not a way to manage tenants. Good zoning does not guarantee good tenants. Instead, it changes the use of the property for years to come, irrespective of who is living on site. She expressed concern with the scale of the proposed project, and whether it was compatible with the neighbourhood.

Deputy Mayor Rankin observed that support for the project appeared to be founded on the fact that the property is – and will always be - out of whack with the neighbourhood. Residents also see this project as an opportunity to attract good tenants. He expressed concern with this reasoning. The building is already non-conforming and should not be made *more* non-conforming. Moreover, supporting this variance because it might bring better tenants is not a good reason. It is obvious, he continued, that the proposal is out of scale with the neighbourhood. Accepting this variance would set a bad precedent.

Councillor Walker reminded members that the Community Council is empowered to overturn decisions of the Development Officer if it has reason to do so. He noted that the neighbourhood has studied the matter and supports the proposed change. No one spoke against the project this evening. Expanding the residential component, he continued, will not change the building's footprint. If anything, it is better than an expansion to the commercial component, which could have resulted in the construction of a big store that takes up the entire property.

Councillor Mosher stepped down as Chair at 8:22 pm. Councillor Mason assumed responsibilities as Chair.

Councillor Mosher indicated that the building is indeed unique: it is a commercial, non-conforming building nestled among residential dwellings on a main artery. She appreciated that the owner is investing in the property for which there has been a strong level of support from the community. She felt that the project would not change the feel of the neighbourhood but warned neighbours that it may not improve tenant problems

either. Given the uniqueness of the property, she informed colleagues that she would be voting against the decision of the Development Officer.

At 8:24 pm, Councillor Mosher reassumed the role of Chair.

Councillor Mason asked for the Solicitor to clarify the parameters in which the Community Council should evaluate this case.

Karen Brown, Senior Solicitor explained that the Community Council cannot grant the variance if the proposal fails to meet the rules as set out in the Halifax Regional Municipality Charter. At the heart of the issue, she continued, is how the Community Council interprets the intent of the land use by-law.

Councillor Adams asked staff to clarify what C-2A zoning allows for on the site.

Mr. Faulkner responded that C-2A allows for minor commercial and low density residential development on the subject property. A corner store was provided as an example of a minor commercial use.

Councillor Adams remarked that variance appeals usually draw residents who are against the proposal. This is not true in this instance: there is strong support from the community, even for building a third storey. He noted that if he were living next door, he would appreciate that someone is willing to invest into an otherwise problematic property – and to do so in a relatively non-intrusive way.

Deputy Mayor Rankin disagreed, arguing that the application violates five (5) rules outlined in the land use by-law. Gauging community support, he continued, is important but it should not be the only factor to consider. The proposed project breaches the by-law. The only thing that has been argued tonight is that the owner wished to improve the property.

Councillor Walker remarked that of the five (5) violations cited, three (3) of five (5) are already non-conforming. In other words, three (3) of five (5) problems already exist. He indicated that he would be voting against the Development Officer's decision.

At this time, the Community Council was prepared to vote on the motion.

**MOTION LOST** as a result of a tie vote (3 to 3).

Given the unusual circumstance of a tie vote, Ms. Brown suggested that a positive motion be put on the floor.

At 8:34 pm, the Vice Chair assumed the responsibility of Chair.

**MOVED by Councillor Mosher, seconded by Councillor Walker that West Community Council overturn the Development Officer's decision to refuse the request for variances at 2590 Oxford Street, Halifax.**

Councillor Mosher reminded members that the subject property falls within her district and respectfully requested their support.

**MOTION LOST** as a result of a tie vote (3 to 3).

As both motions were lost, Ms. Brown indicated that it was her legal opinion that the Development Officer's decision stands.

**6. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE**

**7. REPORTS**

**7.1 Staff Report dated November 16, 2012 regarding Case 17511, LUB Amendment and Development Agreement for 5534 and 5558 Bilby Street and 2819-2817 Isleville Street, Halifax**

A Staff Report dated November 16, 2012 regarding Case 17511 was before the Community Council.

**MOVED by Councillor Watts, seconded by Councillor Walker that West Community Council:**

- **Give First Reading to consider approval of the proposed amendments to Map ZM-2 of the Halifax Peninsula Land Use By-law to include 5534, 5558 Bilby Street and 2819-2827 Isleville Street, Halifax in Schedule 'Q,' as presented in Attachment A of the staff report dated November 16, 2012 and schedule a public hearing; and**
- **Move Notice of Motion to consider the proposed development agreement as contained in Attachment B of the staff report dated November 16, 2012 to allow for a residential development and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated above**

Councillor Watts provided a quick overview of development slated for the area, on Bilby Street, Gottingen Street, and across from Stadacona, noting that this particular zone is not yet included in Schedule Q. She then asked staff to clarify section 5.1(b) of the proposed development agreement.

Paul Sampson, Planner explained that 5.1(b) identifies non substantive amendments that would allow for an increase in the number of dwelling units by 10% without

changing other aspects of the development agreement. Currently, the proposed development agreement limits to 56 the number of residential units.

Councillor Watts asked how this would play out, given that proposal is for condominiums and townhouses.

Mr. Sampson offered, as an example, the construction of more bachelor units, which would increase the number of units without changing overall density.

**MOTION PUT AND PASSED.**

The Community Council requested that the public hearing be scheduled in January at City Hall or at a venue closer to the subject property.

**7.2 Staff Report dated November 16, 2012 concerning Case 17869, Rezoning of an Existing Access Driveway, River Road, Terence Bay**

A Staff Report dated November 16, 2012 regarding Case 17869 was before the Community Council.

**MOVED by Councillor Adams, seconded by Councillor Rankin that West Community Council give First Reading to the proposed rezoning of a portion of provincially-owned land in Terence Bay from the P-3 (Conservation) Zone to the RE (Resource) Zone, as provided in Attachment A of the staff dated November 16, 2012 and schedule a public hearing.**

Councillor Adams reminded members that 129 people had attended the public information meeting and asked that the public hearing be held off the peninsula, preferably at the Keshen Goodman Public Library.

Deputy Mayor Rankin requested that this public hearing be scheduled as soon as possible, such as on January 7, 2013.

Following a brief discussion, Community Council agreed to hold the public hearing for Case 17869 on January 7<sup>th</sup> and for Case 17511 on January 21<sup>st</sup>.

**MOTION PUT AND PASSED.**

**8. ADDED ITEMS**

**8.1 Councillor Adams – Naming Bridge in Park to Captain William Spry Community Centre, Spryfield**

**MOVED by Councillor Adams, seconded by Councillor Watts that West Community Council direct staff to prepare a report to name a bridge in the park to**

**the Captain William Spry Community Centre after Edith Irene (Reenie) Slauenwhite.**

Councillor Adams clarified that the bridge in question does not fall under the normal asset naming policy as it is neither a building nor a road.

**MOTION PUT AND PASSED.**

**9. NOTICES OF MOTION - NONE**

**10. PUBLIC PARTICIPATION**

**Janice Graham-Migel** of London Street explained that she had difficulty hearing the Community Council's decision on Case 17476 and wished to confirm that the Development Officer's decision had been upheld.

The Chair responded that she was correct: Community Council upheld staff's recommendation to refuse the request for variances at 2890 Connolly Street. She apologized for not having microphones.

Ms. Graham-Migel explained that many seniors live in the neighbourhood and could not attend tonight's meeting. She wished to know if they could have submitted their response in writing.

The Chair replied that all correspondence received by the Clerk's Office by 3:00 pm on the day of a public hearing is provided to the Community Council.

Ms. Graham-Migel explained that this option had not been noted in the letter informing the neighbourhood of the variance appeal hearing.

Referring to Case 17936, Bob Migel of London Street remarked that what he had heard tonight was overwhelming support from neighbours for the project yet the variance was rejected. He found that this did not encourage people to come out to meetings. He also found the decision of the Community Council on this matter hard to follow.

The Chair replied that it had been a tie vote and in this scenario the Development Officer's decision was upheld.

**11. NEXT MEETING DATE – January 7, 2013**

**12. ADJOURNMENT**

The meeting was adjourned at 8:52 p.m.

Ted Aubut  
Legislative Assistant