



**HALIFAX AND WEST COMMUNITY COUNCIL  
MINUTES  
January 20, 2015**

**PRESENT:** Councillor Stephen Adams, Chair  
Councillor Reg Rankin, Vice Chair  
Councillor Wayne Mason  
Councillor Jennifer Watts  
Councillor Russell Walker

**REGRETS:** Councillor Linda Mosher

**STAFF:** Ms. Karen Brown, Solicitor  
Mr. Andrew Faulkner, Development Officer  
Mr. Andrew Reid, Legislative Assistant

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

*The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/Commcoun/west/150120hwcc-agenda.php>*

*The meeting was called to order at 6:00 p.m. and Community Council adjourned at 6:31 p.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**2. APPROVAL OF MINUTES – None**

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

Additions:

13.1 Case 19293 - Development Agreement for 5599 Fenwick Street, Halifax  
(Fenwick Tower Property)

**MOVED by Councillor Mason, seconded by Councillor Walker that the agenda be approved as amended.**

**4. BUSINESS ARISING OUT OF THE MINUTES – NONE**

**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 VARIANCE APPEAL HEARINGS**

**8.2.1 Case 19063: Appeal of Variance Refusal - 5236 Kent Street, Halifax**

The following was before Community Council:

- *A staff report dated December 11, 2014*
- *A staff presentation dated January 20, 2015*

Mr. Andrew Faulkner, Development Officer, presented Case 19063 as described in the December 11, 2014 staff report. Mr. Faulkner stated that the appeal sought a variance in the site area of 50%, whereas a 40% rule applied. Mr. Faulkner indicated the proposed addition would be on the left side of the building. Mr. Faulkner cited the Charter criteria for denying a variance.

The Chair called for any questions from members of Council.

Councillor Rankin inquired if there was evidence that any of the other properties had sought a variance in the neighbourhood. Mr. Faulkner responded that each variance appeal application is treated in its own merit. Mr. Faulkner also commented that the building predates the land use bylaw.

**Mr. Mohammad Ranjbarzadeh**, on behalf of the applicant, stated that eight of the properties in the neighbourhood exceeded 40%. The rationale for the addition was to create a more attractive, economical development. Mr. Ranjbarzadeh stated that the applicant attempted to satisfy all requirements for R-2A zoning; however, they could not satisfy the lot coverage requirement.

Councillor Rankin inquired how long the applicant owned the property. Mr. Ranjbarzadeh responded four years.

The Chair called three times for additional speakers.

**MOVED by Councillor Mason, seconded by Councillor Watts that the variance appeal hearing be closed.**

**MOVED by Councillor Mason, seconded by Councillor Watts that the Halifax and West Community Council allow the variance appeal of Case 19063, as described in the December 11, 2014 staff report.**

Councillor Mason stated that he would not be supporting the motion. Councillor Mason stated that the rules have been identified in that area for 20-35 years. Councillor Mason also outlined a concern to staff regarding the efficiency of processing variance applications.

The Committee discussed the procedure of defeating a variance appeal motion to uphold the Development Officer's recommendation.

Ms. Karen Brown, Solicitor, stated that Administrative Order One requires consideration be given to allow Council to overturn the Development Officer's decision. Ms. Brown stated that voting against the motion would be the correct procedure for upholding the Development Officer's recommendation.

**MOTION PUT AND DEFEATED.**

- 9. CORRESPONDENCE, PETITIONS & DELEGATIONS**
- 10. REPORTS**
- 10.1 STAFF – NONE**
- 11. MOTIONS – NONE**
- 12. IN CAMERA – NONE**
- 13. ADDED ITEMS – NONE**
- 13.1 Case 19293 - Development Agreement for 5599 Fenwick Street, Halifax (Fenwick Tower Property)**

The following was before Community Council:

- *A staff recommendation dated December 12, 2014*

**MOVED by Councillor Mason, seconded by Councillor Walker that Halifax and West Community Council:**

- 1. Move Notice of Motion to consider the development agreement, as contained in Attachment A, to allow for a redevelopment of the Fenwick Tower property (5599 Fenwick Street, Halifax), which includes new residential and commercial uses, and schedule a Public Hearing;**

**MOTION PUT AND PASSED.**

- 14. NOTICES OF MOTION – NONE**
- 15. PUBLIC PARTICIPATION**

Mr. Graeme Hicks, 5225 Young St., commented regarding the sidewalk to the dockyard south of Cornwallis Street having an uneven grade that was causing drainage issues.

The Chair indicated his comments would be forwarded to staff.

**16. DATE OF NEXT MEETING – February 17, 2015**

**17. ADJOURNMENT**

The meeting was adjourned at 6:31 p.m.

Andrew Reid  
Legislative Assistant