



**HALIFAX AND WEST COMMUNITY COUNCIL  
MINUTES  
March 29, 2016**

PRESENT: Councillor Steve Adams, Chair  
Councillor Russell Walker, Vice Chair  
Councillor Waye Mason  
Councillor Jennifer Watts  
Councillor Reg Rankin  
Councillor Linda Mosher

STAFF: Ms. Claire Gillivan, Solicitor  
Ms. Phoebe Rai, 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/160329hwcc-agenda.php>*

*The meeting was called to order at 6:00 p.m. and adjourned at 7:12 p.m.*

**1. CALL TO ORDER**

Councillor Adams, Chair called the meeting to order at 6:00 p.m.

**2. APPROVAL OF MINUTES – February 17, 2016 and March 1, 2016**

Councillor Watts noted errors in the February 17, 2016 minutes. Under item 10.1.1 “Keith Lavelle” should read “Peter Lavelle” and the word “staff” was missing from a paragraph on the following page.

MOVED by Councillor Walker, seconded by Councillor Watts

**THAT the minutes of February 17, 2016 and March 1, 2016 be approved as amended.**

**MOTION PUT AND PASSED.**

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

Deletions: **11.3.1 Nancy Hunter and Reuben Penner of The Purcell’s Cove Neighbourhood Committee re: Moving Forward Together Metro Transit Plan**

**10.2.1 Case 20185: Appeal of Variance Refusal – 1548 Henry Street, Halifax**

MOVED by Councillor Rankin, seconded by Councillor Mosher

**THAT the agenda be approved as amended.**

**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 19989: Amendment to Rockingham Ridge Stage I Development Agreement, 30 Farnham Gate Road, Halifax**

The following was before Community Council:

- A staff recommendation report dated February 16, 2016
- A staff presentation dated March 29, 2016

Ms. Jillian MacLellan, Planner, presented Case 19989 as set out in the staff report dated February 16, 2016. She noted that the public hearing was being held regarding the Stage I Development Agreement only; the Stage II Development Agreement will not require a public hearing.

Ms. MacLellan responded to questions of clarification from the Community Council, noting that considerations including the hours of operation for commercial tenants and parking allocation will be addressed through the Stage II Agreement.

The Chair opened the public hearing and invited the applicant to come forward.

Mr. Rick Cecchetto, FS Industries, addressed the Community Council. He indicated that efforts are being made to design the building to blend in with the existing structure, and he noted that there is intended to be commercial space on the bottom and second floors.

The Chair read the rules of procedure respecting public hearings and called for anyone wishing to speak to come forward.

The Chair called three times for speakers and there being none it was MOVED by Councillor Walker, seconded by Councillor Mason

**THAT the public hearing close.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Rankin, seconded by Councillor Walker

**THAT Halifax and West Community Council**

- 1. Approve the Amending Development Agreement, which shall be substantially of the same form as set out in Attachment A of the report dated February 16, 2016, to permit an increase in the allowable commercial gross floor area; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

## **10.2 VARIANCE APPEAL HEARINGS**

### **10.2.1 Case 20185: Appeal of Variance Refusal – 1548 Henry Street, Halifax**

The following was before Community Council:

- A staff recommendation report dated February 16, 2016

This item was deleted during setting of order of business as the appeal was withdrawn.

### **10.2.2 Case 20344: Appeal of Variance Refusal – 6125 North Street, Halifax**

The following was before Community Council:

- A staff recommendation report dated March 14, 2016
- Correspondence dated March 22, 2016 from Richard Stevens

Mr. Nathan Hall delivered the staff presentation on the appeal of variance refusal as set out in the staff report dated March 14, 2016. Mr. Hall advised that on May 1, 2015 the applicant requested a variance to allow for the construction of a two-unit dwelling, which was approved by the Development Officer. Mr. Hall clarified that the current variance appeal being heard was for the most recent variance application for a three-unit dwelling, which was denied by the Development Officer.

The Chair opened the variance appeal hearing and invited the appellant to come forward.

Mr. Dan Boyd, Quality Urban Enterprises, spoke as the appellant. He indicated that there are a number of two- and three-unit dwellings in the area. He noted that he had received a variance for a duplex and asked the Council to consider his request for a triplex.

The Chair read the rules of procedure respecting variance appeal hearings and called for members of the public within 30 metres of the appellant property wishing to speak to come forward.

Ms. Lee Davis, North St., provided commentary with respect to the history of the property in question, noting that the previous home was demolished and that construction has begun on a new building. She expressed concern regarding the likelihood of increased traffic on a shared driveway, and she highlighted the difference between the zone requirement for lot size and the variance requested. Ms. Davis also expressed concern with the procedure, noting that a previous variance request was made and denied in 2015, and the appeal period had expired.

The Chair called three times for additional speakers. There being none, it was MOVED by Councillor Mason, seconded by Councillor Walker

**THAT the variance appeal hearing close.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Watts, seconded by Councillor Walker

**THAT Halifax and West Community Council allow the appeal of the variance refusal for 6125 North Street, Halifax and overturn the decision of the Development Officer.**

Mr. Andrew Faulkner, Development Officer, responded to questions of clarification. He confirmed that there had been a variance request to permit a triplex on the property in 2015 that was denied. He indicated that under the current legislation, there was no basis to refuse consideration of a second application.

A brief discussion ensued with Council members indicating agreement with the rationale provided by the Development Officer for denying the variance appeal.

**MOTION PUT AND DEFEATED.**

The decision of the Development Officer to refuse the variance was upheld.

## **11. CORRESPONDENCE, PETITIONS & DELEGATIONS**

### **11.1 Correspondence**

The Legislative Assistant noted that correspondence had been received regarding item 10.2.2 and 11.3.1 and that this was distributed to members of the Halifax and West Community Council.

### **11.2 Petitions – None**

### **11.3 Presentation**

#### **11.3.1 Nancy Hunter and Reuben Penner of The Purcell's Cove Neighbourhood Committee re: Moving Forward Together Metro Transit Plan**

The following was before Community Council:

- Correspondence dated March 29, 2016 from Nathan Brett

This item was deleted during the setting of the order of business as the presenters were no longer available.

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 19862: LUB Amendment (Schedule Q) and Development Agreement for 5543-5555 Almon Street and a vacant property on Isleville Street, Halifax - Supplementary Report

The following was before Community Council:

- A staff supplementary recommendation report dated March 9, 2016
- A staff presentation dated March 29, 2016

Councillor Mosher noted that she was not present at the Public Hearing and could not participate in the debate on the matter. Councillor Mosher left the meeting at 6:45 p.m.

Mr. Miles Agar, Planner, outlined Case 19862 as set out in the staff supplementary report dated March 9, 2016, indicating that the Development Agreement is related to three lots containing small apartment buildings and one vacant lot. Mr. Agar advised that Schedule Q had been approved by Council and the Land Use By-Law amendment was now in effect, so the Development Agreement could be considered by Community Council at this time.

MOVED by Councillor Watts, seconded by Councillor Mason

**THAT Halifax and West Community Council:**

1. **Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A, to allow a 7-storey residential building containing ground floor minor commercial uses at 5543, 5549, 5555 Almon Street, and a vacant property on Isleville Street, Halifax; and**
2. **Require that the proposed development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOVED by Councillor Watts, seconded by Councillor Mason

**THAT the motion be amended such that in section 3.13.3 the hours of operation of the restaurant shall be Sunday to Thursday from 7 a.m. to 10 p.m. and Friday to Saturday 7 a.m. to 11 p.m.**

Councillor Watts spoke to the motion to amend, indicating that with the longer hours in the draft Development Agreement, the restaurant could function as a lounge. She advised that the proposed amendment would be in keeping with the area and expectations of area residents.

**MOTION TO AMEND PUT AND PASSED.**

A brief discussion followed, with members of Community Council expressing concern regarding the number of parking spaces. Mr. Agar advised that adding additional spaces inside the building would likely require a redesign that may compromise commercial space. He also indicated that the number of spaces indicated in the Development Agreement was a minimum, and the architect has indicated there may be an opportunity to add an additional space.

The motion as amended now reads:

**THAT Halifax and West Community Council:**

1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A, to allow a 7-storey residential building containing ground floor minor commercial uses at 5543, 5549, 5555 Almon Street, and a vacant property on Isleville Street, Halifax, as amended such that in section 3.13.3 the hours of operation of the restaurant shall be Sunday to Thursday from 7am to 10pm and Friday to Saturday 7am to 11pm; and
2. Require that the proposed development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

**AMENDED MOTION PUT AND PASSED.**

14. MOTIONS – NONE
15. IN CAMERA (IN PRIVATE) – NONE
16. ADDED ITEMS – NONE
17. NOTICES OF MOTION
- 17.1 Councillor Rankin

“Take Notice that at the next meeting of the Halifax and West Community Council to be held on April 19, 2016 I intend to move a motion to rescind the May 6, 2014 resolution to approve that Halifax and West Community Council request a staff report outlining the merit of converting a small portion of HRM public land, located adjacent to the Beechville-Lakeside-Timberlea School, formerly used as a soccer field, to be re-purposed to a drop off area for school children providing safe access to the school and reducing related vehicular traffic along Mountain Maple Drive.”

**18. PUBLIC PARTICIPATION – NONE**

No members of the public responded to the Chair’s invitation to speak.

**19. DATE OF NEXT MEETING - April 19, 2016**

**20. ADJOURNMENT**

The meeting was adjourned at 7:12 p.m.

Phoebe Rai  
Legislative Assistant