



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
May 17, 2016**

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

STAFF: Ms. Donna Boutilier, 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/index.php>

*The meeting was called to order at 6:05 p.m. and recessed at 6:47 p.m.
Community Council reconvened at 6:52 p.m. and adjourned at 7:10 p.m.*

1. CALL TO ORDER

Councillor Adams, Chair called the meeting to order at 6:05 p.m.

2. APPROVAL OF MINUTES – April 19, 2016

MOVED by Councillor Watts, seconded by Councillor Walker

THAT the minutes of April 19, 2016 be approved as presented.

MOTION PUT AND PASSED.

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

MOVED by Councillor Watts, seconded by Councillor Rankin

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 – NONE

10.2 VARIANCE APPEAL HEARINGS

10.2.1 Case 19677: Appeal of Variance Approval - 1891 Vernon Street, Halifax

The following was before Community Council:

- A staff recommendation report dated April 28, 2016
- A staff presentation dated May 17, 2016
- A presentation from the property owner dated May 17, 2016
- Correspondence dated May 16, 2016 from Ezra van Gelder
- A submission from Andrew Fraser
- A petition signed by twenty-five people submitted by Andrew Fraser

The Chair outlined variance appeal hearing procedures and invited staff to present Case 19677.

Ms. Brenda Seymour, Planner, delivered the staff presentation on the appeal of variance approval as set out in the staff report dated April 28, 2016. Ms. Seymour advised that the applicant requested several variances related to a proposed three-unit dwelling, which were approved by the Development Officer. The requested variances were respecting minimum lot area (for lot size and maximum gross floor area), maximum lot coverage, and minimum left side yard setback. She stated that the recommendation of the development officer was to approve the variance before them.

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

Mr. Keith Lehwald spoke on behalf of Ms. Judith Wright, appellant. He suggested that the proposed dwelling would not be in keeping with the neighbourhood, noting that the multi-unit buildings nearby are zoned R3 rather than R2. He questioned how the gross floor area was calculated and expressed concern with the notification process.

In response to questions of clarification, Mr. Sean Audas, Development Officer, advised that zoning should not be a concern to the Community Council as the R2 zone allows up to four units in a dwelling.

Ms. Joan Sullivan, appellant, advised that she finds the proposed building to be too large and out of context with existing dwellings in the neighbourhood. Mr. Andrew Fraser, on Ms. Sullivan's behalf, presented a submission of various correspondence and a petition for the Community Council's consideration. Mr. Fraser expressed concern with the proceedings with respect to the timing of notifications and information shared with appellants. He commented that there is no unique difficulty experienced by the applicant, and he suggested that the applicant could have designed a smaller dwelling to achieve the intended purpose.

In response to questions of clarification, Mr. Audas advised that the notification process met the requirements set out in the *Halifax Regional Municipality Charter*.

Mr. Michael Brown, appellant, indicated that most of the units in the area are single family dwellings and the proposed building would be intrusive on backyards. Mr. Brown also expressed concern that the building could be used for commercial purposes.

Mr. Terry Smith Lamoth spoke on behalf of Ms. Judith Smith Lamoth, appellant. He remarked that the proposed dwelling would limit the amount of gardening in the front yard and preclude the possibility of a vestibule or storm porch, which is needed in order to remove coats and boots before entering the house. He also indicated that the proposed balcony would face north, but it should be south-facing.

The Chair called three times for any members of the public who can demonstrate that they are especially affected by the decision in a manner different than the general public to come forward. There being none, the Chair invited the applicant to come forward.

Mr. Nazem Alwraith, son of the applicant, provided commentary with respect to the background of the property. He advised that he and his brother wish to remain in the neighbourhood where they grew up. He indicated that the neighbourhood contains a mix of single family homes and multi-unit buildings as a result of natural density growth. He provided a presentation providing examples of multi-unit buildings in the R2 zone, and indicated that the proposal does not significantly deviate from the planning strategy. Mr. Ezra van Gelder also spoke on behalf of the applicant, noting that his client is not a developer and has to plans to use the property for commercial purposes. He advised that the applicant had made a significant effort to comply with regulations and worked closely with Development Officers. He argued that the variance should be approved for the reasons set out in the staff report.

Community Council recessed at 6:47 p.m. and reconvened at 6:52 p.m.

In response to questions of clarification, Mr. Audas advised that the proposed dwelling would have a total of eight bedrooms, and he confirmed that staff had discussed several different proposals with the applicant.

MOVED by Councillor Mason, seconded by Councillor Rankin

THAT the variance appeal hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor Watts

THAT the Halifax and West Community Council allow the appeal of the variance approval for 1891 Vernon Street, Halifax and overturn the decision of the Development Officer.

Highlights of the ensuing discussion include:

- The Land Use By-law was established to provide rules intended to maintain the fabric of neighbourhoods and to make sure they are not too dense, as density can destabilize neighbourhoods;
- The difficulty experienced is general to the properties in the area;
- Concern was expressed regarding the gross floor area.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Clerk's Office received correspondence regarding item 10.2.1 and this was circulated to all members of the Community Council.

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) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION

17.1 Councillor Mason

“TAKE NOTICE that at the next meeting of Halifax and West Community Council to be held on June 28, 2016 I will request a staff report regarding current steps being taken to provide rodent control in municipal streets, parks, and Halifax Water infrastructure, with recommendations for improvements in the program, coordination with other stakeholders, and education.”

18. PUBLIC PARTICIPATION

Public participation held and closed; no speakers were present.

19. DATE OF NEXT MEETING - June 28, 2016

20. ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

Phoebe Rai
Legislative Assistant