



**HALIFAX AND WEST COMMUNITY COUNCIL
SPECIAL MEETING MINUTES
August 3, 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 6:00 p.m., and Community Council adjourned at 7:10 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – June 28, 2016

MOVED by Councillor Walker, seconded by Councillor Mason

THAT the minutes of June 28, 2016 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions:

16.1 Case 19987: Development Agreement for 1034, 1042, 1050, and 1056 Wellington Street, Halifax

MOVED by Councillor Walker, seconded by Councillor Watts

THAT the agenda be approved as amended.

Two-third majority vote required.

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 19912 – Appeal of Variance Approval - 1597 Dresden Row, Halifax

The following was before Community Council:

- A staff recommendation report dated June 28, 2016
- A staff presentation dated August 3, 2016
- Correspondence dated July 28, 2016 from John DiCostanzo
- A presentation from Jerry Post on behalf of appellant Pino Pagnottella

Community Council entered into a brief discussion regarding the correspondence received from John DiCostanzo and determined to proceed with the variance appeal hearing.

The Chair invited staff to present Case 19912. Ms. Shilo Gempton, Planner delivered the staff presentation on the appeal of variance approval as set out in the staff report dated June 28, 2016.

The Chair outlined variance appeal hearing procedures and opened the variance appeal hearing, inviting the appellant to come forward.

Mr. Pino Pagnottella, appellant, expressed concern regarding the effect of the variance on the heritage character of the property, and he requested that Jerry Post address Community Council on his behalf.

Mr. Jerry Post provided a presentation regarding the impact of the approved variance on the views from the adjacent property, and he argued that the variance violates the intent of the land use bylaw as the difficulty is general to the area.

The Chair called three times for any additional appellants or 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.

Janet Morris, applicant, provided the following information to Community Council:

- The shed would not be attached to the house and would be easily removable without affecting the heritage aspects of the property;
- Efforts were made in the design to compliment the house;
- There were sheds on the site previously;
- The shed is meant to help improve the look of the property by concealing garbage cans, bicycles, lawnmowers and snow shovels and will provide for an eavestrough to redirect water from a broken pipe inside the wall;
- There is no other suitable location on the property to place a shed.

Mr. Hal Forbes, contractor, requested to address Community Council on behalf of the applicant. Community Council entered into a brief discussion and determined not to receive the presentation from Mr. Forbes as the applicant had already spoken for her full time allotment.

MOVED by Councillor Mason, seconded by Councillor Watts

THAT the variance appeal hearing close.

MOTION PUT AND PASSED.

Responding to a question of clarification from Community Council, Ms. Gempton advised that the proposed shed would not constitute a substantial alteration to the property.

MOVED by Councillor Mason, seconded by Councillor Mosher

THAT Halifax and West Community Council allow the appeal of the variance approval for 1597 Dresden Row, Halifax and overturn the decision of the Development Officer.

Community Council entered into a brief discussion. Highlights include:

- The difficulty results from the shape and grade of the lot, and is not general to the area;
- There is no protection of light and view planes in the municipality;
- Some Councillors indicated that they would be supporting the appeal due to the significant impact of the shed and the size of the variance.

MOTION PUT AND DEFEATED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 10.2.1 and this was circulated to all Community Council members.

11.2 Petitions – None

11.3 Presentation - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 18464 - MPS & LUB Amendments and Development Agreement, Bright Place, Lady Hammond Road and Normandy Drive, Halifax

The following was before Community Council:

- A staff supplementary recommendation report dated June 15, 2016
- An extract of minutes from the Regional Council meeting held on April 5, 2016

MOVED by Councillor Watts, seconded by Councillor Walker

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 of the staff report dated June 15, 2016, to allow a multiple-unit residential development at 3631 and 3639 Bright Place, 6100 Normandy Drive and Parcel X, a portion of the former Bright Place right-of-way fronting Lady Hammond Road, 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.**

A brief discussion ensued regarding the walkway parcel to the west side of the property. Mr. Paul Sampson, Planner, advised that an information report would be brought to Regional Council with full consideration of the matter, but this will not impact the Development Agreement.

MOTION PUT AND PASSED.

13.1.2 Case 20265 – Amendment to the I-3 (General Industrial) Zone under the Halifax Mainland Land Use By-law

The following was before Community Council:

- A staff recommendation report dated June 27, 2016

MOVED by Councillor Rankin, seconded by Councillor Walker

THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendment to the I-3 (General Industrial) Zone of the Land Use By-law for Halifax Mainland, as set out in Attachment A of the June 27, 2016 staff report, to reduce the minimum watercourse setback requirement from 200 ft. to 65.62 ft. (20m), and schedule a public hearing.

Community Council entered into a brief discussion. Highlights include:

- Waterways would be protected for those lands that do not have central serviced water and sewer;
- These would be exceptional cases only.

Ms. Stephanie Salloum, Planning Intern advised that the amendment would be applied to all I-3 zoned properties on the Halifax Mainland, and would only be applied on serviced lots. The recommendation is to maintain the 200 foot setback for non-serviced lots.

MOTION PUT AND PASSED.

The public hearing was scheduled for September 13, 2016.

14. MOTIONS

15. IN CAMERA (IN PRIVATE)

15.1 In Camera (In Private) Minutes – June 28, 2016

The following motion was passed in public session:

MOVED by Councillor Mason, seconded by Councillor Watts

THAT the In Camera (In Private) minutes of June 28, 2016 be approved as circulated.

MOTION PUT AND PASSED.

16. ADDED ITEMS

16.1 Case 19987: Development Agreement for 1034, 1042, 1050, and 1056 Wellington Street, Halifax

The following was before Community Council:

- A staff recommendation report dated July 29, 2016

MOVED by Councillor Mason, seconded by Councillor Walker

THAT Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the report dated July 29, 2016, to allow a multi-unit residential development on the properties located at 1034, 1042, 1050 and 1056 Wellington Street, Halifax and schedule a public hearing.

MOTION PUT AND PASSED.

The public hearing was scheduled for September 13, 2016.

17. NOTICES OF MOTION

17.1 Councillor Rankin

“TAKE NOTICE that, at the next regular Halifax and West Community Council meeting, to be held on Tuesday, the 13th of September 2016, I propose to move a Motion of Rescission to the motion passed at the February 17, 2016 at Halifax and West Community Council that the Halifax & West Community Council requests a staff report on the feasibility of a fenced dog park on the rear portion of HRM owned Parkland at Beech Tree Run, Beechville Estates with greater delineated portion of HRM owned parkland being utilized as a multi-use park.”

18. PUBLIC PARTICIPATION

Tim Chesnutt, director of the Epic Kids weekend, shared information regarding the success of his program and thanked HRM for supporting the 2016 Epic event.

19. DATE OF NEXT MEETING - September 13, 2016

20. ADJOURNMENT

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

Phoebe Rai
Legislative Assistant