



**APPEALS STANDING COMMITTEE
MINUTES
March 9, 2017**

PRESENT: Councillor Steve Adams, Chair
Councillor Russell Walker, Vice Chair
Councillor Sam Austin
Councillor David Hendsbee
Councillor Lisa Blackburn
Councillor Steve Streach

STAFF: Mr. Randolph Kinghorne, Senior Solicitor
Ms. Tanya Phillips, Manager, By-law Standards
Ms. Jennifer Weagle, 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 the Appeals Standing Committee are available online: <http://www.halifax.ca/boardscom/SCappeals/170309asc-agenda.php>

The meeting was called to order at 10:02 a.m. and adjourned at 11:24 a.m.

1. CALL TO ORDER

The Chair called the meeting to order at 10:02 a.m.

2. APPROVAL OF MINUTES – February 9, 2017

MOVED by Councillor Walker, seconded by Councillor Blackburn

THAT the minutes of February 9, 2017 be approved as presented.

MOTION PUT AND PASSED.

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

MOVED by Councillor Austin, seconded by Councillor Streach

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

8.1 LICENSING OF TEMPORARY SIGNS (By-law S-801)

8.1.1 Appeal of Temporary Sign License Application #57114 – Box Sign – License Refused

The following information was before the Committee:

- A staff recommendation report dated September 27, 2016.

Roweena Dill, License Administrator, Buildings and Compliance presented the September 27, 2016 staff recommendation report, which outlines Appeal by Glow Parties regarding the refusal of Temporary Sign License #57114.

At the request of the Committee, staff provided a photo of the box sign in question, which was circulated to members for review.

Responding to questions from the Committee, staff clarified this was previously an annual permitting process and is currently an annual licensing process, and the current placement of the sign is consistent with the sign that has been in place since 2009.

Councillor Hendsbee arrived at 10:12 a.m.

Responding to questions from the Committee, Randolph Kinghorne, Senior Solicitor, advised that there is no latitude in By-law S-801 respecting Licensing of Temporary Signs, with regard to allowing a box sign in the street right-of-way.

Dave O'Connor, Glow Signs and Promotions, Appellant, addressed the Committee, noting that the company has experienced frustrations with the previous and current temporary sign regulations for over 18 years. He noted that property lines are unclear as street right-of-ways vary from street to street, and the company has recently had many signs not being approved. Mr. O'Connor circulated photos of the sign in question, as well as other locations in HRM where signs are in the right-of-way. He indicated that the sign does not cause any safety hazard, is placed far from the sidewalk, and there is also at this location a rock retaining wall and cars parked technically within the street right-of-way, which is similar to many commercial properties along Windmill Road where the subject property is located.

Responding to questions from the Committee, Kevin Hindle, Regional Coordinator, License Standards, Planning and Development, and Christopher Davis, Supervisor, Right-of-Way Services, explained that when By-law S-801 respecting Licensing of Temporary Signs was approved in 2015, the process transferred from a permitting application to a license application. With that came an extensive process review, where it was discovered that there were a number of files where signs were located within the street right-of-way.

Mr. Kinghorne explained that the By-law does not contain provisions for grandfathering of box signs, since the right only exists from year to year.

At the request of the Committee, Mr. O'Connor clarified that "no" was checked on the application form in response to the question "Is the sign in the Right of way" because Glow Parties was unaware that the sign location was in the right-of-way. He further clarified that no complaints had been received with regard to this sign.

The Committee discussed the possibility of requesting staff to review the prohibition of box signs located in the right-of-way within By-law S-801, and staff indicated that they would be open to this direction as they are currently retooling portions of the By-law.

The Chair clarified that Councillor Hendsbee cannot vote on this item as he was absent for the staff presentation, as per previous advice from the Solicitor.

MOVED by Councillor Streach, seconded by Councillor Austin,

THAT the HRM Appeals Committee recommend that Halifax Regional Council request staff to review the prohibition of box signs located in the Right of Way in By-law S-801, respecting Regulations & Licensing of Temporary Signs.

MOTION PUT AND PASSED.

MOVED by Councillor Streach, seconded by Councillor Blackburn

THAT the HRM Appeals Committee defer the appeal for a period of 6 months.

MOTION PUT AND PASSED.

9. NOTICES OF TABLED MATTERS – NONE
10. CORRESPONDENCE, PETITIONS & DELEGATIONS – NONE
11. INFORMATION ITEMS BROUGHT FORWARD – NONE
12. REPORTS
- 12.1 ESTABLISHMENT OF CONTROLLED ACCESS STREETS FOR STREETS FOR STREETS WITHIN HRM (By-law S-900) AND STREETS (By-law S-300)

12.1.1 Appeal of the Engineer's decision to refuse a Streets and Services Permit to install a new driveway on Hammonds Plains Road, Hammonds Plains – Application #158048

The following information was before the Committee:

- A staff recommendation report dated September 27, 2016.

Chris Davis, Supervisor, Right-of-Way Services, presented the staff report dated March 1, 2017, which outlines the appeal by the property owner of the decision of the Engineer to refuse a Streets and Services Permit to install a new driveway access on Hammonds Plains Road. A copy of Mr. Davis' presentation is on file.

Tammy MacKay and Brian Comeau, Appellants, addressed the Committee, advising that the subject property is a commercial moulding manufacturer. Ms. MacKay advised that the reasons for purchased the access land and requesting the culvert was for safety, as the only way for trucks to exit the property is to back out on Yankee Town Road to Caper Court in front of a daycare. She noted that there is also a public transit bus stop in front of where the culvert was requested, which would also improve safety at the bus stop. Ms. MacKay circulated a photo of the location where the culvert is requested.

Responding to questions from the Committee, Ms. MacKay and Mr. Comeau advised that if the driveway access were granted, truck driver exiting their property would be able to exit the property with the front end of the vehicle instead of backing out. They further indicated that the business has been at this location for close to 20 years.

In response to a suggestion from Councillor Hendsbee that right in, right out access to the property from Hammonds Plains Road may work, Mr. Davis indicated that this scenario was discussed by staff, but based on the existing conditions and the long-time restricted access to Hammonds Plains Road, it was found to not be an appropriate solution.

The Committee discussed with Mr. Davis the history of the restricted access to Hammonds Plains Road.

MOVED by Councillor Walker, seconded by Councillor Austin

THAT the appeal be granted.

MOTION DEFEATED.

13. MOTIONS - NONE

14. IN CAMERA (IN PRIVATE) - NONE

15. ADDED ITEMS - NONE

16. NOTICES OF MOTION - NONE

17. DATE OF NEXT MEETING – April 6, 2017, 10:00 a.m. Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax

18. ADJOURNMENT

The meeting adjourned at 11:24 a.m.

Jennifer Weagle
Legislative Assistant