



**NORTH WEST COMMUNITY COUNCIL  
MINUTES  
October 1, 2018**

PRESENT: Councillor Tim Outhit, Chair  
Councillor Lisa Blackburn, Vice Chair  
Councillor Steve Streach  
Councillor Matt Whitman

REGRETS: Councillor Steve Craig

STAFF: Roxanne MacLaurin, Senior Solicitor  
Liam MacSween, Legislative Assistant  
Simon Ross-Siegel, Legislative Support

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

*The agenda, reports, supporting documents, and information items circulated are online at [halifax.ca](http://halifax.ca).*

*The meeting was called to order at 7:04 p.m. and adjourned at 8:05 p.m.*

## **1. CALL TO ORDER**

Councillor Outhit, Chair called the meeting to order in the Bedford-Hammonds Plains Community Centre, 202 Innovation Drive, Bedford

## **2. APPROVAL OF MINUTES – September 10, 2018**

MOVED by Councillor Whitman, seconded by Councillor

**THAT the minutes of September 10, 2018 be approved as circulated.**

**MOTION PUT AND PASSED.**

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

Additions:

16.1 Councillor Appointments to Boards/Committees

MOVED by Councillor Streach, seconded by Councillor Whitman

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

Two-third majority vote required.

**MOTION PUT AND PASSED.**

## **4. BUSINESS ARISING OUT OF THE MINUTES**

## **5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS**

## **6. MOTIONS OF RECONSIDERATION – NONE**

## **7. MOTIONS OF RESCISSION – NONE**

Liam MacSween, Legislative Assistant left the meeting at 7:05 p.m.

Simon Ross-Siegel Legislative Support joined the meeting at 7:05 p.m.

## **8. CONSIDERATION OF DEFERRED BUSINESS**

### **8.1 Variance Appeal Hearing – Deferred September 10, 2018**

#### **8.1.1 Case 21429: Appeal of Variance Approval - PID No. 40304198, St. Margaret's Bay Road, Head of St. Margaret's Bay**

- A staff recommendation report dated August 17, 2017
- Correspondence received by the Municipal Clerk's Office from John Whyte and Dana MacKenzie, Bernie Power and Valerie Wentzell, E.P Fay Lee and Christina Lee, Dana MacKenzie, E. P. Fay Lee; John Whyte, Dana MacKenzie, Dana MacKenzie; Nancy Anningson

Sean Audas, Development Officer, provided a staff presentation on Case 21429, an Appeal of Variance Approval - PID No. 40304198, St. Margaret's Bay Road, Head of St. Margaret's Bay.

Staff stated that the variance relates to a request to lower the setback requirement of 20 feet to 8 feet, as proposed by the applicant. Staff indicated the challenges posed by steep grades on the property adjoining the highway. Staff expressed the reasons the development officer approved the variance were that NSTIR approved the proposed access plan to the property and staff was aware of comparable properties with steep grades for which similar variances have been approved. Members confirmed that should the variance be upheld, there are a number of matters requiring approval including a septic plan. However, the applicant is close to final approval on most of these. Members confirmed that the deferral from the last meeting of Community Council related to a request from the appellant to do so to allow sufficient time for a FOIPOP application from the appellant to be fully processed.

Peter Rumscheidt, counsel for the applicant, confirmed that the variance and appeal before Community Council is related to the setback only and does not pertain to other issues.

The Chair reviewed the rules of procedure for variance hearings and invited the appellants to come forward and address Community Council.

Dana MacKenzie, appellant spoke before Community Council. The appellant expressed the opinion that the watercourse issue is related to the setback discussed in the variance and therefore is a relevant matter for Community Council's consideration in whether or not to grant the appeal. In several of these matters, the appellant stressed that the approval of the variance may involve the possibility of a judicial review of Community Council's decision at a later stage. The appellant expressed the opinion that the limited issue of whether to grant a front yard setback variance must be considered holistically with other issues included in the appellants' submissions.

John Whyte, Co-Appellant spoke before the Community Council. The appellant expressed the opinion that the issue is general to the local area. The appellant discussed issues related to similar lots built close to the road with steep slope access to the highway. The appellant described concerns about low water circulation in the area related to low wind access in the cove, as well as concern about high wave height in area particularly as hurricanes approach. The appellant stated that the appellant is concerned about the possibility of below grade foundation which could flood and contribute to soil erosion.

Bernie Power, an area resident, spoke before Community Council. The residents have lived in the area for thirty years. They described several waterside lots in the area and outlined concerns. One property was built on foundation below waterline, as permitted by regulations prior to 2006. The resident expressed concern about sewage breakdown and contamination related to the exposure of pipes in foundations below the waterline. They also expressed general concern about impacts to the site, tree clearing, and other safety concern.

The Chair called three times for any other speakers within the notification area to come forward and address Community Council; there were none.

The Chair invited the property owner to come forward and address Community Council.

John Risser, property owner, spoke before the Committee. The owner stated that the matter before Committee concerns only the front-yard setback. However, the owner added that they have been forthright and proactive in consulting with department of the environment and other government and regulatory bodies regarding water and septic issues. The owner stated that the property in question is an existing undersized lot because of a legal earlier subdivision. Pursuant to conversations with the municipality, the owner understood that development was permitted as of right on a part of the property, although the development would be much smaller due to the physical limitations of the property and the challenge of maintaining the 20-foot setback. Staff confirmed that is was the Development Officer's opinion that the watercourse buffer could be preserved and some development could be approved as of right without a variance.

MOVED by Councillor Whitman, seconded by Blackburn

**THAT the variance hearing be closed.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Whitman, seconded by Councillor Streach

**THAT North West Community Council allow the appeal.**

**MOTION PUT AND DEFEATED.**

Decision of the Development Officer to grant the appeal upheld.

Liam MacSween, Legislative Assistant joined the meeting at 7:48 p.m.

Simon Ross-Siegel left the meeting at 7:48 p.m.

## **9. NOTICES OF TABLED MATTERS – NONE**

### **10. HEARINGS**

#### **10.1 PUBLIC HEARINGS**

##### **10.1.1 Case 20634: LUB amendment for 130 and 148 Mann Street to rezone the lands from Heavy Industrial (IHI) Zone to CD-1 (C&D Materials Transfer Stations) Zone**

The following was before Community Council:

- A staff recommendation report dated August 7, 2018
- A memorandum from the North West Planning Advisory Committee dated July 5, 2018
- An extract of minutes – North West Planning Advisory Committee dated July 4, 2018

MOVED by Councillor Whitman, seconded by Councillor Blackburn

**THAT North West Community Council defer consideration of Case 20634 pending a revised proposal from the applicant.**

**MOTION TO DEFER PUT AND PASSED.**

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

### **11.1 Correspondence**

Liam MacSween, Legislative Assistant, noted correspondence for agenda items 8.1 and 10.1.1 which has been previously distributed to members of North West Community Council.

### **11.2 Petitions – NONE**

### **11.3 Presentation – NONE**

## **12. INFORMATION ITEMS BROUGHT FORWARD – NONE**

## **13. REPORTS**

### **13.1 STAFF – NONE**

## **14. MOTIONS – NONE**

**15. IN CAMERA (IN PRIVATE) - NONE**

**16. ADDED ITEMS**

**16.1 Councillor Appointments to Boards/Committees**

The following was before Community Council:

- Expressions of Interest Councillor Appointments to HRM Boards & Committees – North West Community Council

North West Community Council discussed the Councillor Appointments to Boards and Committees and passed the following motions:

MOVED by Councillor Streach, seconded by Councillor Outhit

**THAT Councillors Blackburn and Whitman be appointed to the Appeals Standing Committee for a term to November 2020.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Whitman, seconded by Councillor Outhit

**THAT Councillor Craig be appointed to the Audit and Finance Standing Committee for a term to November 2020.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Whitman, seconded by Councillor Blackburn

**THAT Councillor Streach be appointed to the Community Planning and Economic and Development Standing Committee for a term to November 2020.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Streach, seconded by Councillor Whitman

**THAT Councillor Blackburn be appointed to the Environment and Sustainability Standing Committee for a term to November 2020.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Blackburn, seconded by Councillor Whitman

**THAT Councillor Outhit be appointed to the Transportation Standing Committee for a term to November 20, 2018.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Whitman, seconded by Councillor Blackburn

**THAT Councillor Streach be appointed to the Grants Committee for a term to November 20, 2018.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Whitman, seconded by Councillor Streach

**THAT Councillors Outhit and Blackburn be appointed to the North West Planning Advisory Committee for a term to November 20, 2018.**

**MOTION PUT AND PASSED.**

**17. NOTICES OF MOTION – NONE**

**18. PUBLIC PARTICIPATION**

**Walter Reagan**, of the Sackville Rivers Association thanked Council and staff for its efforts on the Sackville Greenway project and advised that resources should be made available for a Lucasville Greenway project. With respect to the Sackville Floodplain project, Regan noted an oversight in the mapping and requested that staff increase the mapping from the top of McCabe's Lake to the county line. Regan further suggested that the Little Sackville River be included in the mapping in its entirety.

**Paula MacInnis** of Bedford provided commentary with respect to incorporating provisions for changes in sea level due to climate change when assessing variances applied to coastal properties.

**19. DATE OF NEXT MEETING – November 5, 2018**

**20. ADJOURNMENT**

The meeting was adjourned at 8:05 p.m.

Liam MacSween  
Legislative Assistant