

**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
September 12, 2018**

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Lindell Smith, Vice Chair
Deputy Mayor Wayne Mason
Councillor Shawn Cleary
Councillor Richard Zurawski

REGRETS: Councillor Russell Walker

STAFF: Karen Brown, Solicitor
David Perusse, Legislative Assistant
Phoebe Rai, Legislative Assistant

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.

The meeting was called to order at 6:00 p.m. and adjourned at 7:16 p.m

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. in the Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – July 30 & August 7, 2018

MOVED by Councillor Zurawski, seconded by Deputy Mayor Mason

THAT the minutes of July 30 and August 7, 2018 be approved as presented.

MOTION PUT AND PASSED.

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

MOVED by Councillor Smith, seconded by Councillor Zurawski

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

10.1.1 Case 20360: Land Use Bylaw Amendment and Development Agreement for Young and Demone Streets, Halifax

The following was before Community Council:

- A staff recommendation report dated June 21, 2018
- A memorandum from the Halifax Peninsula Planning Advisory Committee dated October 27, 2017
- Staff presentation on Case 20360: Land Use Bylaw Amendment and Development Agreement for Young and Demone Streets, Halifax

Jennifer Chapman, Planner III, provided a staff presentation on Case 20360: Land Use Bylaw Amendment and Development Agreement for Young and Demone Streets, Halifax to add a parcel of land to Schedule Q of the Halifax Peninsula Land Use By-law and enter into a development agreement to enable the development of a ten-storey building located midblock with frontage on both Young and Demone Streets.

The Chair opened the hearing and invited the Applicant to come forward and address Community Council.

Cesar Saleh, WM Fares, on behalf of M.G.B.E Real Estate Enterprises Limited, the Applicant, thanked HRM staff for their work and contributions to the case. Responding to questions from members of Community Council regarding the changes from the original plan, Saleh noted that the building was initially planned for fourteen (14) stories, but has since been amended to ten (10) stories and the addition of multiple step-backs and set-backs

The Chair then called for anyone wishing to address Community Council on this matter.

Alison McGraw, 57510 Young Street, expressed concern about the disruption that will result from the development. They noted that there is no on street parking along Young Street in the area, and expressed concern that there will be spill over to their building.

The Chair then called three times for anyone wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Smith, seconded by Deputy Mayor Mason

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Deputy Mayor Mason

THAT Halifax and West Community Council adopt the amendment to Map ZM-2 of the Land Use Bylaw for Halifax Peninsula, as set out in Attachment A of the staff report dated June 21, 2018.

MOTION PUT AND PASSED.

10.1.2 Case 20924: Development Agreement for Drysdale Road, Halifax

The following was before Community Council:

- A staff recommendation report dated June 20, 2018
- Staff presentation on Case 20924: Development Agreement for Drysdale Road, Halifax
- Applicant presentation on Case 20924 titled "Habitat Way: An Affordable Master Planned Community Spryfield, HRM"

Melissa Eavis, Planner III, provided a staff presentation on Case 20924: Development Agreement for Drysdale Road, Halifax, to enable a residential development on Drysdale Road, Halifax.

Responding to questions from members of Community Council with regards to the proposed HRM park land, Eavis noted that HRM staff would undertake a needs assessment for open space in the area once the property is conveyed to determine how it should be developed.

The Chair opened the hearing and invited the Applicant to come forward and address Community Council.

Kevin Riles, KWR Approvals Inc. and Steven Doe, Habitat for Humanity Nova Scotia, the Applicant, provided a presentation on Case 20924: Development Agreement for Drysdale Road, Halifax. Riles noted that the proposal would be the largest affordable housing project undertaken by Habitat for Humanity in Canada.

The Chair then called three times for anyone wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Cleary, seconded by Councillor Zurawski

THAT the public hearing close.

MOTION PUT AND PASSED.

Councillor Smith took the Chair at 6:37 p.m.

MOVED by Councillor Adams, seconded by Councillor Cleary

THAT Halifax and West Community Council:

1. Approve the proposed development agreement for Drysdale Road, which shall be substantially of the same form as set out in Attachment A of the staff report dated June 20, 2018; 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.

Councillor Adams took the Chair at 6:39 p.m.

10.2 Variance Hearings

10.2.1 Case 21441: Appeal of Variance Refusal – 6267 Yale Street, Halifax

The following was before Community Council:

- A staff recommendation report dated August 14, 2018
- Staff presentation on Case 21441: Appeal of Variance Refusal – 6267 Yale Street, Halifax
- Correspondence submitted by Donna Davis, Roger Wells and Jesse Williams

Megan Maund, Planner 1, provided a presentation on Case 21441: Appeal of Variance Refusal – 6267 Yale Street, Halifax, to permit the removal of an single unit dwelling and the construction of a new two-unit dwelling. Maund noted that the property owners have begun construction on a single unit dwelling on the site while awaiting the outcome of the variance appeal.

Responding to questions from members of Community Council, Maund noted that the Appellants have followed the appropriate development procedures throughout. They noted that the lot area and lot frontage for the proposed development remains the same as the original, while the side yard set back for would be further from the property line. They additionally noted that if the original building was still standing on the property, it would have been eligible to be converted into a two-unit dwelling.

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

Donald Mulholland and Pamela Williams, the Appellants, provided Community Council with an outline of their plan for the property. They noted that they initially sought to keep the original structure on the property during the redevelopment; however, issues with the building's foundations and lack of proper upkeep over the years meant redeveloping the existing structure was unfeasible. They noted that if they had been able to retain the original building, they likely would not be facing the variance appeal as other properties on their street which were able to redevelop while retaining the existing pre-1982 buildings were permitted to convert from single-unit dwellings to two-unit dwellings without issue. They noted that in order to meet building code, they included non-combustible walls on the west side of the building, and concrete cladding around the structure; pointing out that the original structure was a wood frame. They stated that their redevelopment is a clear improvement from the original structure, both in the safety of the materials used as well as the set back from the neighbouring property.

Mulholland expressed the view that the proposed variance does not violate the intent of the land use by-law, as there are numerous two-unit and multi-unit dwellings on the street, in addition to single-unit dwellings. Mulholland further expressed the view that the difficulty experienced is not general to properties in the area, as only the few single-unit dwellings remaining in the area would encounter this issue if they sought to rebuilt and convert into a two-unit dwelling.

The Chair then called for anyone in the notification area wishing to address Community Council on this matter.

Donna Davis, 6261 Yale Street, noted for the record that they are currently an HRM employee, but are speaking as a member of the public. They spoke in support of the variation, noting that it would be in keeping with the desired intensification and density in the area.

George Clark, Yale Street, spoke in support of the variance. They noted that the development would be an improvement to the street and the neighbourhood.

The Chair called three times for anyone wishing to address Community Council on this matter; there being none, it was MOVED by Deputy Mayor Mason, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Deputy Mayor Mason

THAT Halifax and West Community Council allow the appeal.

Responding to questions from members of Community Council, Trevor Creaser, HRM Development Officer, noted that staff does not believe that allowing the variance would be precedent setting.

Deputy Mayor Mason noted that poor and deteriorating foundations are a common issue with old homes in Halifax. In some cases, property owners should be permitted to address these structural issues and build improvement on these properties without losing the right to covert into two-unit dwellings.

MOTION PUT AND PASSED. (Development Officer's decision overturned.)

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 10.2.1. This correspondence was circulated to Community Council.

For a detailed list of correspondence received, refer to the specific agenda item.

11.2 Petitions - None

11.3 Presentations - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 21321: LUB Amendment and Development Agreement Amendment- 2856 Gottingen Street, 5517 Bilby Street, and 5519 Bilby, Street Corner of Gottingen Street and Bilby Street, Halifax.

The following was before Community Council:

- A staff recommendation report dated August 27, 2018

MOVED by Councillor Smith, seconded by Councillor Cleary

THAT Halifax and West Community Council:

- 1. Give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Land Use By-law for Halifax Peninsula, as set out in Attachment A of the staff report dated**

August 27, 2018, to include 2856 Gottingen Street, Halifax, in Schedule Q, and schedule a public hearing; and

2. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment B of the staff report dated August 27, 2018, and schedule a public hearing for the proposed amending development agreement which shall be held concurrently with that indicated in Recommendation 1.

MOTION PUT AND PASSED.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS - NONE

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION

No one came forward to address Community Council during public participation.

19. DATE OF NEXT MEETING – October 9, 2018

20. ADJOURNMENT

The meeting was adjourned at 7:16 p.m.

David Perusse
Legislative Assistant