

**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
September 19, 2019**

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Lindell Smith, Vice-Chair
Councillor Russell Walker
Councillor Shawn Cleary

REGRETS: Councillor Waye Mason
Councillor Richard Zurawski

STAFF: Meg MacDougall, Solicitor
David Perusse, 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 6:02 p.m. and adjourned at 6:45 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:02 p.m. in Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – August 6, 2019

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT the minutes of August 6, 2019 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 Cleary

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 Hearings

10.2.1 Case 22171: Appeal of Variance Refusal – 3681 Memorial Drive, Halifax

The following was before Community Council:

- A staff recommendation report dated September 5, 2019
- A staff presentation titled “Case 22171: Variance Hearing 3681 Memorial Drive, Halifax”
- Correspondence submitted by Andrew Leitao and Lisa Roberts

Erin MacIntyre, Manager, Land & Development & Subdivision, provided Community Council with a presentation on Case 22171: Appeal of Variance Refusal – 3681 Memorial Drive, Halifax, noting staff’s recommendation to uphold the Development Officer’s decision on the variance.

Responding to questions from members of Community Council, MacIntyre noted that there is generally a uniform setback along the street of about fifteen (15) feet; the requested variance would disrupt this. They added that there is no indication of any safety concerns if this sight line were to be disrupted; rather, it would be more of an issue of aesthetics and conformity with neighbouring properties. With regards to the front staircase to the neighbouring property, MacIntyre noted that this would be considered a landscaping element but added that it would likely required a variance if the owner sought to construct the same staircase today.

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

Andrew Leitoa and **Lisa Roberts**, Appellants and the owners of the property, spoke to Community Council about their variance appeal. They noted that the purpose of the requested variance would be to build a proper ground level entrance to their property so as to provide more living space as well as making the property more accessible. They added that the planned addition would allow them to install solar panelling. They added that the slopes and elevation changes present on their property are not features that are common in the neighbourhood and warrant the requested variance.

The Chair called three (3) times for anyone in the notification area wishing to address Community Council on this matter. There being none, it was MOVED by Councillor Smith, seconded by Councillor Walker

THAT the variance hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Walker

THAT Halifax and West Community Council allow the appeal.

Councillor Smith expressed the view that the motivation to make their property more accessible is significant given that the property is currently accessed through the rear entry. They added that the requested changes are not inconsistent with or alter the character of the neighbourhood.

Councillor Cleary noted that neighbouring properties have setback features that would likewise require a variance if they were to be constructed today.

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

The Chair thanked MacIntyre for the presentation.

10.2.2 Case 22266: Appeal of Variance Approval – 58 Bedford Highway, Bedford

The following was before Community Council:

- A staff recommendation report dated August 29, 2019
- A staff presentation titled "Case 22266: Variance Hearing 58 Bedford Highway Halifax"
- Correspondence submitted by Clark Wilkins

Brenda Seymour, Planner I, provided Community Council with a presentation on Case 22266: Appeal of Variance Approval – 58 Bedford Highway, Bedford. They noted that the building in question is currently under commercial use, with the property owner seeking to convert it to a residential use. This would require a variance as the property does not meet the setback requirements set out in the Land Use By-law (LUB). The requested variance was granted, with the neighbouring property owner appealing the variance decision.

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

Clark Wilkins, Applicant, spoke to Community Council about the variance, noting that they are not looking to alter the footprint of the building; rather, they are just seeking to convert the existing building for residential uses. They noted that Halifax Water has already approved their request with regards to meeting the requirements for water access.

Lena Diab, Appellant, spoke to Community Council about their appeal, noted that they are the owner of the neighbouring property. They explained that the property in question is dependant on their private water lines for its access to water. They added that they had only agreed to this arrangement when the property in question was being operated for commercial uses. Converting to a residential building would expand this water usage far past what was envisioned at the time of their agreement. They have requested that the property owner secure independent access to water for the building.

Responding to questions from members of Community Council, Diab noted that the issue of water access is relevant to the current variance in that the insufficient setbacks may prevent independent water utilities being installed at the property.

The Chair called three (3) times for anyone in the notification area wishing to address Community Council on this matter. There being none, it was MOVED by Councillor Cleary, seconded by Councillor Walker

THAT the variance hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT Halifax and West Community Council allow the appeal.

Councillor Walker noted that the variance before Community Council concerned the setbacks on the property rather than an issue of water access. They noted that the variance appeal process is not the appropriate venue through which to address the Appellant's concerns relating to water access; rather, it is a civil matter between the parties.

MOTION PUT AND DEFEATED (Development Officer's decision upheld.)

The Chair thanked Seymour for the presentation.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that the Municipal Clerk's Office received correspondence relating to item(s) 10.2.1 and 10.2.2. This correspondence was circulated to members of Community Council.

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

11.2 Petitions

11.3 Presentations

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 22036: Rezoning of shoreline properties along the Northwest Arm

The following was before Community Council:

- A staff recommendation report dated July 15, 2019

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council recommend that Regional Council direct the Chief Administrative Officer to review the protection of properties along the western side of the Northwest Arm from environmental degradation and visual intrusion as part of the Plan and By-law Simplification program.

MOTION PUT AND PASSED.

13.2 BOARDS AND COMMITTEES - NONE

13.3 MEMBERS OF COMMUNITY COUNCIL - NONE

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE) - NONE

16. ADDED ITEMS - NONE

17. NOTICES OF MOTION

18. PUBLIC PARTICIPATION

The Chair called three (3) times for any members of the public wishing to address Community Council; there were none.

19. DATE OF NEXT MEETING

- October 15, 2019;
- November 13.2019.

20. ADJOURNMENT

The meeting was adjourned at 6:45 p.m.

David Perusse
Legislative Assistant