



**NORTH WEST COMMUNITY COUNCIL
MINUTES
March 27, 2023**

PRESENT: Councillor Pam Lovelace, Vice Chair
Councillor Lisa Blackburn
Councillor Paul Russell
Councillor Tim Outhit

REGRETS: Councillor Cathy Deagle Gammon, Chair

STAFF: Andrew Gough, Solicitor
Catie Campbell, Legislative Assistant

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

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 7:11 p.m., adjourned at 9:12 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 7:11 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

2. APPROVAL OF MINUTES – February 27, 2023 and March 8, 2023

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT the minutes of February 27, 2023 and March 8, 2023 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions: None

Deletions: None

As provided for in section 37 (1) of Administrative Order One, *Respecting the Procedures of the Council*, Councillor Russell requested that Item 18 – Public Participation be considered prior to item 13 – Reports.

MOVED by Councillor Russell, seconded by Councillor Blackburn

THAT the agenda be approved as amended.

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 23405: Land Use By-law Amendment for Sackville Plan Area

The following was before Community Council:

- Staff report dated December 29, 2022
- Staff presentation dated March 27, 2023

Claire Tusz, Planner II gave a presentation and responded to questions of clarification from Council.

The hearing opened at 7:21 p.m.

The Chair noted that the Municipality was the applicant for this matter.

The Chair reviewed the rules of procedure for public hearings. The Chair noted there were no registered speakers and called three times for any other members of the public wishing to speak.

Colin Young, Lower Sackville spoke to concerns regarding public engagement but noted no concern with the proposed amendment.

MOVED by Councillor Russell, seconded by Councillor Blackburn

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 7:25 p.m.

MOVED by Councillor Russell, seconded by Councillor Blackburn

THAT North West Community Council adopt the amendment to the Land Use By-law for Sackville, as set out in Attachment A of the staff report December 29, 2022.

MOTION PUT AND PASSED.

10.1.2 Case 22097: Development Agreement for 96 Pockwock Road, Hammonds Plains

The following was before Community Council:

- Staff report dated January 12, 2023
- Correspondence from Matthew Brittain, Don Kirby, Mark May
- Staff presentation dated March 27, 2023

Claire Tusz, Planner II gave a presentation and responded to questions of clarification from Council.

The hearing opened at 7:36 p.m.

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

Beth Hiltz, applicant noted that the manure on site would be composted, used to fertilize grass, and highlighted the demand for manure in the community.

The Chair reviewed the rules of procedure for public hearings. The Chair noted there were no registered speakers and called three times for any other members of the public wishing to speak; there were none.

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 7:38 p.m.

Councillor Lovelace stepped down from the Chair and Councillor Russell assumed the Chair.

MOVED by Councillor Lovelace, seconded by Councillor Blackburn

THAT North 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 January 12, 2023; 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 Lovelace resumed the Chair.

10.2 VARIANCE APPEAL HEARINGS

10.2.1 Case 23626: Appeal of Variance Approval – 73 Eagle Point Drive, Windsor Junction

The following was before Community Council:

- Staff report dated February 22, 2023
- Staff presentation dated March 27, 2023

Melinda Francis, Principal Planner gave a presentation and responded to questions of clarification from Community Council.

The Chair reviewed the rules of procedure for variance hearings, opened the hearing, and invited the appellant to come forward and address Community Council.

The hearing opened at 7:43 p.m.

Shannon Connolly, on behalf of the appellant spoke to potential negative impacts of not overturning the proposed variance, as well impacts on property value, road safety, equitable treatment of neighbors, the aesthetic of the neighborhood and the design of the proposed garage. Connolly highlighted benefits of setback by-laws and noted the proposed project should not be considered a unique circumstance. Connolly spoke to consultation with an engineer who raised concerns regarding variance requirements and lot size. Connolly responded to questions of clarification regarding vegetation and visibility concerns.

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

Mike O'Connell, property owner provided an overview of the property, proposed project, proximity to neighboring property lines, road safety, vegetation and noted support from neighbors. O'Connell highlighted that the location of the septic system would not allow for the garage to be built on the right side of the property.

Connolly responded to questions raised by the property owner regarding site lines and equitable treatment of neighbors.

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 8:07 p.m.

Andrew Gough, Solicitor provided an overview of the motion.

MOVED by Councillor Blackburn, seconded by Councillor Russell

THAT North West Community Council allow the appeal.

Francis responded to questions of clarification from Council regarding other variances in the area.

MOTION PUT AND DEFEATED.

Decision of the Development Officer upheld.

10.2.2 Case 24451: Appeal of Variance Refusal – 178 Sunnyvale Crescent, Lower Sackville

The following was before Community Council:

- Staff report dated March 20, 2023
- Handout from Erica and Simon Gagne
- Staff presentation dated March 27, 2023

Jaime Swinton, Planner I gave a presentation and responded to questions of clarification from Community Council.

The Chair reviewed the rules of procedure for variance hearings, opened the hearing, and invited the appellant to come forward and address Community Council.

The hearing opened at 8:19 p.m.

Erica Gagne and Simon Gagne, appellant spoke to the structure of the proposed expansion and noted support from the community. Gagne highlighted how the proposed expansion is within the legal limit for a garage and neighboring properties are close together. Gagne noted housing shortages and the want to invest in the property.

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 8:27 p.m.

Andrew Gough, Solicitor provided an overview of the motion.

MOVED by Councillor Russell, seconded by Councillor Blackburn

THAT North West Community Council allow the appeal.

Trevor Creaser, Principal Planner responded to questions of clarification regarding accessory structures, structures on posts versus permanent foundations and restrictions for constructing decks.

MOTION PUT AND PASSED.

Decision of the Development Officer overturned.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received and circulated for items: 10.1.2 and 13.1.1.

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

11.2 Petitions – None

11.3 Presentation – None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 23247: Amendments to the Sackville Drive Land Use By-law Regarding the Measurement of Building Height

The following was before Community Council:

- Staff report dated March 15, 2023
- Correspondence from Rob LeBlanc

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT North West Community Council give First Reading to consider approval of the proposed amendments to the Land Use By-law for Sackville Drive regarding the measurement of building heights, as set out in Attachment A of the staff report dated March 15, 2023, and schedule a public hearing.

Paul Sampson, Planner II responded to questions of clarification from the Community Council regarding established grade definition, inconsistencies with height definitions, alternatives within the staff report dated March 15, 2023, community engagement and substantive versus non-substantive changes.

Councillor Russell proposed 'expand the notification area to include residences on both sides of the road immediately adjacent to Sackville Drive Plan area'. As provided for in section 53 (2) of Administrative Order One, *Respecting the Procedures of the Council*, the amendment was accepted as friendly.

The motion now read:

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT North West Community Council give First Reading to consider approval of the proposed amendments to the Land Use By-law for Sackville Drive regarding the measurement of building heights, as set out in Attachment A of the staff report dated March 15, 2023, and schedule a public hearing expand the notification area to include residences on both sides of the road immediately adjacent to Sackville Drive Plan area.

MOTION PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

As set out in section 34 of Administrative Order One, *Respecting the Procedures of the Council*, a motion was required to extend the time of the meeting.

MOVED by Councillor Outhit, seconded by Councillor Russell

THAT North West Community Council extend the time of the meeting past 9:00 p.m.

MOTION PUT AND PASSED.

18. PUBLIC PARTICIPATION

Colin Young, Lower Sackville sought clarification on Case 23247: Amendments to the Sackville Drive Land Use By-law.

Walter Regan, Sackville Rivers Association spoke to the Green Network Plan and need for full-time staff members. Regan encouraged the community to support the Sackville Rivers Association.

Allan Joyce, Windsor Junction raised concerns regarding by-law development, no net phosphorus by-law and a sewage treatment plant and line through Lake Thomas. Joyce cited an appeal from North West Community Council on March 7, 2022 and steps taken to gather more information. Joyce expressed concerns with the appeal and encouraged HRM staff to investigate the environmental concerns further.

Dick Gear spoke to being a rental property owner and challenges with rent caps. Gear highlighted concerns with property assessments and barriers to operating a small business. As well, encouraged the HRM and the Province to collaborate to foster stronger economies. Gear noted communication issues with elected officials.

Michelle Champniss, Sackville Business Association spoke to Case 23247: Amendments to the Sackville Drive Land Use By-law.

19. DATE OF NEXT MEETING – April 17, 2023

20. ADJOURNMENT

The meeting was adjourned at 9:12 p.m.

Catie Campbell
Legislative Assistant