



**HALIFAX AND WEST COMMUNITY COUNCIL  
MINUTES  
November 21, 2023**

PRESENT: Councillor Waye Mason, Acting Chair  
Councillor Shawn Cleary  
Councillor Kathryn Morse  
Councillor Iona Stoddard

REGRETS: Councillor Lindell Smith, Chair  
Councillor Patty Cuttell, Vice Chair

STAFF: Meg MacDougall, Solicitor  
Krista Vining, Acting Deputy Clerk  
Kim Johnson, Legislative Support

*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](http://halifax.ca).*

*The meeting was called to order at 6:00 p.m. and adjourned at 6:41 p.m.*

**1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT**

The Acting Chair called the meeting to order at 6:00 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 – October 10, 2023**

MOVED by Councillor Cleary, seconded by Councillor Stoddard

**THAT the minutes of October 10, 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

MOVED by Councillor Cleary, seconded by Councillor Stoddard

**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 #2023-00545: Development Agreement for Boulderwood Road, Halifax**

The following was before Community Council:

- Staff report dated August 18, 2023
- Staff presentation dated November 21, 2023
- Correspondence from Bruce Precious

Alex Wilson, Planner II gave a presentation and responded to questions of clarification from Community Council.

The hearing opened at 6:15 p.m.

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

**Billy Nikolaou, Applicant** spoke to purchasing the lot in order to build a family home and assured neighbours that they planned to remain on the property and not flip the home, adding that a new well-built home would bring value to the neighbourhood. Nikolaou indicated they would take all efforts to be respectful and minimize disruption to the neighbourhood during construction.

The Acting Chair reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

**Wayne Harvey, District 9** expressed concern with the change to the size of the home, and the impact of potential changes to the septic field for the wells of adjacent properties. Harvey noted the environmental report had expired and was not applicable to the new dwelling footprint. Regarding the travelled way, Harvey was also concerned that the easement was not maintained and flooding may result due to increased traffic.

The Acting Chair invited the applicant to respond to questions raised by the public.

**Nikolaou** responded to questions raised by the public. Nikolaou advised that the environmental certificate had been renewed, the house would not have a basement and would not impact existing flooding issues on adjacent properties, and the easement at the back of the property was not part of the development agreement.

MOVED by Councillor Cleary, seconded by Councillor Morse

**THAT the hearing be closed.**

**MOTION PUT AND PASSED.**

The hearing closed at 6:27 p.m.

Wilson confirmed the easement was a civil matter and the application met Municipal requirements for lot size and setbacks. Wilson noted the lot size for wells and septic systems were under Provincial jurisdiction and the applicant was responsible to provide Provincial approvals, including a new environmental certificate, to obtain a building permit from the Municipality for the development agreement to proceed.

Maggie Holm, Principal Planner responded to questions of clarification from Community Council. Holm advised that input from the Province to date indicated that the septic system could be engineered to meet the requirements for a larger single family dwelling. Holms noted that approved permits were required prior to construction, and any issues following construction would be addressed through the Province.

MOVED by Councillor Cleary, seconded by Councillor Stoddard

**THAT Halifax and 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 August 18, 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.**

Community Council understood the concerns raised that must be addressed before building commences, but was comfortable proceeding with the development agreement as the concept complied with the intent of Municipal policies and the Land Use By-Law.

**MOTION PUT AND PASSED.**

**11. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**11.1 Correspondence**

Correspondence was received and circulated for item 10.1.1.

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

**11.2 Petitions - None**

**11.3 Presentations - None**

**12. PUBLIC PARTICIPATION - NONE**

**13. INFORMATION ITEMS BROUGHT FORWARD – NONE**

**14. REPORTS**

**14.1 STAFF**

**14.1.1 PLANAPP 2023-00465: Rezoning of 4 Cherry Lane, Halifax**

The following was before Community Council:

- Staff Report dated October 30, 2023

MOVED by Councillor Cleary, seconded by Councillor Morse

**THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the staff report dated October 30, 2023, to rezone 4 Cherry Lane, Halifax from R-2P (General Residential) Zone to R-3 (General Residential and Low-Rise Apartment) Zone and schedule a public hearing.**

**MOTION PUT AND PASSED.**

**14.1.2 PLANAPP 2023-00334: Development Agreement for 749 Herring Cove Road, Halifax**

The following was before Community Council:

- Staff Report dated September 26, 2023

MOVED by Councillor Morse, seconded by Councillor Stoddard

**THAT Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated September 26, 2023, to allow for an expansion of a non-conforming commercial use at 749 Herring Cove Road, Halifax, and schedule a public hearing.**

**MOTION PUT AND PASSED.**

**15. MOTIONS - NONE**

**16. IN CAMERA (IN PRIVATE) – NONE**

**17. ADDED ITEMS – NONE**

**18. NOTICES OF MOTION - NONE**

**19. DATE OF NEXT MEETING – December 5, 2023**

**20. ADJOURNMENT**

The meeting was adjourned at 6:41 p.m.

Kim Johnson  
Legislative Support