



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
April 17, 2018**

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Lindell Smith, Vice Chair
Councillor Waye Mason
Councillor Shawn Cleary
Councillor Russell Walker
Councillor Richard Zurawski

STAFF: Karen Brown, Solicitor
Sheilagh Edmonds, 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. adjourned at 7:40 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m.

2. APPROVAL OF MINUTES – March 21, 2015

MOVED by Councillor Smith, seconded by Deputy Mayor Mason

THAT the minutes of March 21, 2015 be approved.

MOTION PUT AND PASSED.

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

Additions:

16.1 Case 21618: Substantive Amendments to an Existing Development Agreement for 5511 Bloomfield Street, Halifax.

16.2 Information Report dated March 26, 2018 RE: Point Pleasant Park Weekend Bicycle Access

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT the agenda be approved as amended.

Two-third majority vote required.

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 21263: Substantive Amendment to Development Agreement for 6112 Quinpool Road,

The following was before Community Council:

- A staff recommendation report dated February 2, 2018.

Scott Low, Planner II, provided the staff presentation on the application by Studioworks International Incorporated to amend their existing development agreement to allow for the addition of glass canopies on the eight floors on all sides of the building and the sixth floor on the west elevation of 6112 Quinpool Road, Halifax.

The Chair opened the public hearing, inviting the applicant to come forward. The applicant did not come forward to address Community Council. The Chair then 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 Smith

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Deputy Mayor Mason, seconded by Councillor Zurawski

THAT Halifax and West Community Council

1. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of the February 2, 2018 report; and

2. Require the amending development 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.

10.1.2 Case 21260: Halifax Mainland LUB Amendment (Rezoning) for 135 Evans Avenue, Halifax

The following was before Community Council:

- A staff recommendation report dated February 5, 2018.
- Correspondence was submitted from: Stephen Jess, Vince and Anne MacDonald, Lolita Manaloto, Rosetta Doucette, Clarence Romans, Loida Na Manuel Acosta, Anne and Boyd Donald, Mary & Gerald Rogers, Carl Conrad, Lottie Moulton, Jeff Hollett, Marlene and Bill Murphy, and Robert Short.

Scott Low, Planner II provided the staff presentation on the application by Kathy and Lawrence Englehart to rezone 135 Evans Avenue, Halifax, from R-1 (single family dwelling zone) to R-2 (two-family dwelling zone).

The Chair reviewed the rules of procedure for public hearings and opened the hearing.

The Chair invited the applicant to come forward at this time; the applicant did not come forward to address Community Council.

The Chair invited members of the public to come forward at this time:

Zita Porier, Halifax, and a resident of the area in question addressed Community Council requesting that the application be turned down. Zita provided the following reasons:

- The area has approximately 30 single family homes and almost all are R-1
- Clarified a point in the staff report which stated that a home that is three homes down from 135 Evans Avenue is an R-2 zoned home, advising this was incorrect and that it was zoned R-1; four doors down from 135 Evans Avenue is a small options home that is zone R-1 and is compatible with the neighbourhood.
- Previously, when Council carried out the Fairview Secondary Planning Strategy, in response to request for input from the residents, homeowners of Evans Avenue and Plymouth Street made

presentations requesting their 30 homes be downzoned from R-4 to R1. Two of the homeowners in the area chose not to rezone

- The applicants do not live in the neighbourhood
- The proposal would negatively impact on the integrity and character of the neighbourhood, and would be precedent setting.
- The area in question is unique because it is R-1 zoning that is surrounded by medium and high density development.

Faith Pickalo, Halifax, and a resident of the area in question, spoke in support of the application, indicating that increasing the density by adding an extra suite to a house would not be detrimental to the neighbourhood.

The Chair called three times for any further speakers; there being none, it was

MOVED by Councillor Walker, seconded by Councillor Mason

THAT Halifax and West Community Council adopt the amendment to Map ZM-1 of the Land Use By-law for Halifax Mainland, as set out in Attachment A of the February 5, 2018 staff report.

Councillor Walker advised that, until this public hearing, he had not heard of anyone who was in favour of this application. The Councillor spoke in opposition to the application stating that it will change the character of the neighbourhood, and that the majority of residents of the area are against the rezoning.

Councillor Walker referenced the staff report and addressed the comment that there were no letters of opposition submitted, and accepted responsibility, in part, advising that he thought there was going to be a public information meeting on the application and advised the residents to hold off submitting letters until the public information meeting was held. Councillor Walker went on to note that, previously, when the area was rezoned from R-4 to R-1 the process involved good public engagement.

In closing his remarks, Councillor Walker pointed out that the property in question is in the middle of the neighbourhood. The residents want to preserve their neighbourhood as single-family homes and if this application were to pass, it means the land is rezoned and there is the possibility that the home could be demolished and a duplex erected, which would be surrounded by single family homes. This could result in two rental units in an R-1 zone, and this would not be compatible in an R-1 zone. Councillor Walker asked Community Council to refuse this application.

Councillor Zurawski expressed support for increasing density in much of HRM, and noted that putting duplexes in this area is not a great change. Councillor Zurawski indicated support of the application.

Deputy Mayor Mason indicated opposition to the application. Deputy Mayor suggested that the basement suite that the applicant has proposed is something in between R-1 and R-2 zoning. Deputy Mayor Mason pointed out that Council is working on policy in this regard, as staff are working on a report for in-law suites and granny suites. The impact on the neighbourhood with R-2 zoning versus in-law or granny suites is quite different, and the Deputy Mayor suggested that the applicant should wait until this policy is in place.

Councillor Cleary spoke in support of the application, expressing support for densifying affordable areas and suggested that it can be done in this area. Councillor Cleary suggested that duplexes and townhomes are great medium and low-density alternatives for people, and he was supportive of moving in a direction that is more financially and environmentally sustainable. Councillor Cleary advised that he would support the rezoning request.

MOTION PUT AND DEFEATED.

10.2 VARIANCE APPEAL HEARINGS

10.2.1 Case 20596: Appeal of Variance Refusal – 1090 Ketch Harbour Road, Ketch Harbour

The following was before Community Council:

- A staff recommendation report dated February 26, 2018.
- Correspondence was submitted from Alan and June Dempsey

Laura Walsh, Planner 1, presented the staff report on the Development Officer's refusal of a request for variance for 1090 Ketch Harbour Road, Ketch Harbour. Laura explained that the owners propose to construct an addition to an existing accessory building. The proposed addition would not meet the front yard setback of 20 feet therefore a variance was required. The request is for a 4 foot front yard setback from a 20 foot requirement. In considering the application it was determined that the request for a reduction of the front yard setback from 20 feet to 4 feet is quite substantial and the opinion of the Development Officer was that granting this variance violates the intent of the Land Use By-law. Laura explained that a 20 foot required setback is for aesthetic purposes and practical reason. An increase setback from the road is common in suburban and rural settings in HRM. The setback from the road network provides greater opportunity for changes to the road network such as re-alignments or expansion. There is also consideration for maintenance such as snow removal and ditches and a greater front yard setback provides for increased visibility as cars approach the road network

The Chair reviewed the rules of procedure and invited the appellant to come forward.

Chris Flemming, the appellant, addressed Community Council and advised that the building in question is a fisheries support use, and noted work done regarding navigational aid buoys for Department of Fisheries and Oceans. Chris explained that the building was built to shelter work boats, and is not visible from the road. Chris advised that of the 10 letters of notification that were circulated, 9 of those individuals have signed that they have no concerns with the variance. Chris submitted the letters to the Clerk.

Chris responded to questions.

Alan Dempsey, Ketch Harbour and a resident of his current address for the past 36 years addressed Community Council Alan noted that the property in question borders his waterfront property. Alan explained that several years ago he built an outbuilding and the permit clearly outlined the requirements of the size and placement of the building. Alan suggested that the appellant has built many homes in the area and therefore should be very aware of the municipality's by-laws and building codes. The extension is in violation of the bylaw, and is unsightly and not in keeping with the character of the neighbourhood. The building is out of scale, and the extension adds to that; it crowds his property on the water-side and is inappropriate; it creates excessive noise echoing traffic; and additional buildings further depreciate the value of their property.

The Chair called three times for any further speakers; there being none, it was

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT the appeal hearing close.

MOTION PUT AND PASSED.

Councillor Adams stepped down from the Chair to speak to this matter. Councillor Smith assumed the Chair.

Councillor Adams expressed support for the appellant advising that in a recent visit to the site, he did not have any issues with the property. Councillor Adams also noted that the appellant submitted 9 letters of support from the 10 letters of notification that were mailed.

MOVED by Councillor Adams, seconded by Councillor Zurawski

THAT Halifax and West Community Council allow the appeal for Case 20596, 1090 Ketch Harbour Road, Ketch Harbour.

Councillor Zurawski expressed support for the appellant noting that there are no issues with traffic, and the variance isn't obtrusive.

MOTION PUT AND PASSED.

10.2.2 Case 21198: Appeal of Variance Approval -6151 Cedar Street, Halifax.

The following was before Community Council:

- A staff recommendation report dated March 19, 2018.

Laura Walsh, Planner 1 presented the staff report on the decision of the Development Office to grant a variance for 6151 Cedar Street, Halifax. The applicant wishes to construct additions to an existing single unit dwelling at 6151 Cedar Street Halifax and the proposal exceeds the lot coverage requirement and the applicant has requested a variance to relax this requirement. The proposed additions would have a lot coverage of 37.2% which would not meet the lot coverage maximum of 35%.

The appellant did not address Community Council.

MOVED by Deputy Mayor Mason, seconded by Councillor Smith

That the appeal hearing close.

MOTION PUT AND PASSED.

MOVED by Deputy Mayor Mason, seconded by Councillor Smith that

THAT Halifax and West Community Council allow the appeal.

Deputy Mayor Mason noted support for the Development Officer's decision to approve the variance advising that to achieve the same result could be done, but in a much less attractive fashion than what the 2% would allow. With regard to concerns about water run-off, Deputy Mayor Mason expressed confidence that the engineering would take into account the water run-off from the roof and have it put into the storm sewer system.

The Chair noted that the mover of the motion is requesting Community Council defeat the motion; thus, upholding the decision of the Development Officer to approve the variance.

MOTION PUT AND DEFEATED.

10.2.3 Case 21380: Appeal of Variance Refusal – 191 Greenwood Avenue, Timberlea

The following was before Community Council:

- A staff recommendation report dated April 3, 2018.

Sean Audas, Development Officer, provided the presentation on his decision to refuse a variance request for 191 Greenwood Avenue, Timberlea. The variance request is to permit the replacement of a rear deck at 191 Greenwood Avenue. The existing deck was constructed by a previous property owner without municipal approval and does not comply with the required side yard setback. There is one requested variance -- left side yard – from the required 8 feet to 1.5 feet. There is an existing variance approved at 5.5 feet on record for this property. Sean advised that the variance was refused based on Section 250(3) (b) and (c) of the Charter, i.e. the difficulty experience is general to properties in the area; and the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law.

Sean responded to questions.

The Chair invited the appellant to come forward at this time.

Brian Johnston, Bedford, advised that he was the contractor that submitted the application to build the replacement deck. Brian explained that when the house was constructed in 1990 a variance was requested and granted for 5.5 feet. When the house was originally built, the deck and the stairs were constructed and came within 1.5 feet from the property line. This was approved by the municipality. The property is a semi-detached building and the adjacent owner provided a letter stating that this was the original deck when the house was built. Brian concluded by noting that for the past 28 years the deck has been in place, and the variance request is to enable the replacement of what has always been there.

The Chair called three times for any further speakers; there being none, it was

MOVED by Councillor Zurawski, seconded by Councillor Cleary.

THAT Halifax and West Community Council allow the appeal for 191 Greenwood Avenue, Timberlea.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was submitted in regard to items 10.1.2, 10.2.1, and 16.1.

11.2 Petitions - None

11.3 Presentation - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Implementation of Local Street Bikeways on Vernon-Seymour and Allan-Oak Corridors

The following was before Community Council:

- A staff recommendation report dated February 13, 2018.

MOVED by Deputy Mayor Mason, seconded by Councillor Zurawski

THAT the Halifax and West Community Council recommend Regional Council approve the implementation of Local Street Bikeways on Vernon-Seymour and Allan-Oak Street corridors as described in the February 13, 2018 staff report.

David MacIsaac, Supervisor, Active Transportation Program responded to questions.

Councillor Cleary asked that when the report goes to Council that staff bring forward any data they have on traffic diverters and cyclists' safety.

MOTION PUT AND PASSED.

13.1.2 Case 21076: Halifax Peninsula LUB Amendment (Rezoning) for 3834 Robie Street, Halifax, Peninsula

The following was before Community Council:

- A staff recommendation report dated March 7, 2018.
- A Memorandum dated January 22, 2018 submitted from the Chair of Halifax Peninsula Planning Advisory Committee

MOVED by Councillor Smith, seconded by Councillor Walker

THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendment to the Halifax Peninsula Land Use By-law, as set out in Attachment A of the March 7, 2018 staff report, to rezone the lands at 3834 Robie Street from the R-2 General Residential Zone to the R-2A General Residential Conversion Zone, and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.3 Case 19531: Development Agreement for the northern corner of Young Street and Windsor Street, Halifax

The following was before Community Council:

- A staff recommendation report dated March 14, 2018.
- A Memorandum dated November 24, 2015 from the Chair of the Districts 7 & 8 Planning Advisory Committee.

MOVED by Councillor Smith, seconded by Councillor Cleary

THAT Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the March 14, 2018 report, to enable a mixed use, commercial and high density residential development at the northern corner of Young Street and Windsor Street, Halifax and schedule a public hearing.

MOTION PUT AND PASSED.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE)

15.1 Minutes – March 21, 2018

MOVED by Deputy Mayor Mason, seconded Councillor Smith

THAT the in camera (in private) minutes of March 21, 2018 be approved.

MOTION PUT AND PASSED

16. ADDED ITEMS – NONE

16.1 Case 21618: Substantive Amendments to an Existing Development Agreement for 5511 Bloomfield Street, Halifax.

The following was before Community Council:

- A staff report dated March 28, 2018

MOVED by Councillor Smith, seconded by Councillor Walker

That Halifax and West Community Council give Notice of Motion to consider the proposed amending development agreement, as set out in Attachment A of the March 28, 2018 staff report, to allow substantive amendments to a mixed-use development at 5511 Bloomfield Street, Halifax, and schedule a public hearing.

MOTION PUT AND PASSED.

16.2 Information Report dated March 26, 2018 RE: Point Pleasant Park Weekend Bicycle Access

The Chair noted the submission of the information report as an added item.

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION

No one came forward to address Community Council during public participation

19. DATE OF NEXT MEETING – May 15, 2018

20. ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Sheilagh Edmonds
Legislative Assistant